AN EXACT

Abridgment

Of all the

STATUTES

IN

FORCE and USE,

FROM THE

Beginning of the Eleventh Year of King *George* I. to the Fourth Year of His preſent Majeſty's Reign.

VOL. VIII.

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Rad. 1 Trustees

AN EXACT

ABRIDGMENT

Of all the

STATUTES

In Force and Uſe;

From the Beginning of the Eleventh Year of King GEORGE I. to the End of the Third Year of King GEORGE II.

VOL. VIII.

Impriſonment.

I. Stat. 1 G. 2. Seſſ. 1. c. 4. ROBERT BLACKBURNE, *John Bernardi*, and *Robert Caſſel*, now Priſoners in *Newgate* for a deteſtable Conſpiracy to aſſaſſinate the Royal Perſon of King *William* the Third, of Glorious Memory, ſhall be continued and kept in Cuſtody, without Bail or Mainprize, during his Majeſty's Pleaſure.

Inns and Alehouſes.

I. Stat. 2 G. 2. c. 28. *Sect.* 11. After the Twenty-fourth of *June*, 1729, no Licenſe ſhall be granted to any Perſon to keep a Common Inn or Alehouſe, or to retail Brandy or Strong-Waters, but at a General Meeting of the Juſtices of the Peace acting in the Diviſion where the ſaid Perſon dwells, to be holden for that Purpoſe on the Firſt of *September*, yearly, or within Twenty Days after; or at any other General Meeting of the Juſtices to be holden for the Diviſion where the ſaid Perſon reſides; and all Licenſes, which ſhall after that Day be granted to the Contrary hereof, ſhall be null and void.

II. *Sect.* 12. Nothing herein ſhall extend to oblige Perſons already licenſed, to take out new Licenſes on the Firſt of *September*, 1729, or within Twenty Days after; but the Licenſes already granted ſhall ſubſiſt and be valid 'till the Firſt Day of *September*, 1730: Nor ſhall any Thing herein extend to alter the Method or Power of granting Licenſes for keeping of common Inns, Alehouſes or Brandy Shops, in any City or Town Corporate.

Inſolvent Debtors.

I. Stat. 11 G. 1. c. 21. *Sect.* 1. Every Sheriff, Gaoler or Keeper of any Priſon, in any County, Riding, Diviſion, City, Town and Liberty within this Kingdom, ſhall make a true, exact, and perfect Liſt (alphabetically) of the Names of all Perſons, who on the *Twenty-ninth* of *September*, 1724, were actually Priſoners in the Cuſtody of every ſuch Sheriff, &c. upon any Proceſs, or other Matter herein after expreſſed, and of the Time when ſuch Priſoners were charged in Cuſtody, together with the Names of the Perſons at whoſe Suit they are detained; and ſhall deliver the ſame to the Juſtices at their firſt General Quarter-Seſſions of the Peace to be held after the firſt Day of *June*, 1725, for ſuch County, &c. and ſhall in open Court take an Oath to the Effect following, *viz.*

I A. B. *do upon my Corporal Oath, in the Preſence of Almighty God, ſolemnly profeſs and declare, that all and every Perſon and Perſons, whoſe Name or Names are inſerted and contained in the foregoing Liſt, by me now delivered and ſubſcribed, were, to the beſt of my Knowledge and Belief, upon the Twenty-ninth Day of* September,

tember, *One thouſand Seven hundred and Twenty-four, really and truly Priſoners in the Priſon or Goal of*
at the Suit or Suits of the ſeveral Perſons therein reſpectively mentioned, and ſo have continued, without any Fraud or Deceit by me, or any other to my Knowledge, unto this Day, unleſs out of Priſon by due Courſe of Law; and that the ſaid Liſt is a true, exact, perfect, and juſt Liſt of all ſuch Perſons as were really and truly Priſoners in the ſaid Goal or Priſon of
unleſs out of Priſon by due Courſe of Law, on the ſaid Twenty-ninth Day of September, *One thouſand Seven hundred and Twenty-four, and have from that Time to this Day ſo continued.*

So help me God.

And the Words of the Oath ſhall be entred at the Bottom of every ſuch Liſt, and ſubſcribed in open Court by every ſuch Sheriff, *&c.* which Liſt ſo ſubſcribed and ſworn to, ſhall be kept by the Clerk of the Peace of every ſuch County, *&c.* for the better Satisfaction of the Juſtices, and Information of all Creditors, and to be ſeen without Fee; and the Juſtices at their Quarter-Seſſions ſhall order Copies of the ſaid Liſts to be printed by the Clerk of the Peace; for each of which printed Copies he may take, according to the Quantity of the Names therein contained, what ſhall be ordered by the Juſtices, not exceeding one Shilling for each Liſt.

II. *Sect.* 2. Every Sheriff, Gaoler, *&c.* is hereby required to fix up in the moſt conſpicuous Place in the Priſon, and at the moſt frequented and uſual Gates, Door, or Entrance into every Priſon, Three or more Copies of the Liſts to be delivered at the Quarter-Seſſions Ten Days before the Seſſions: And if any Sheriff, Gaoler, *&c.* ſhall, in any ſuch Liſt, neglect or refuſe to inſert the Name of any Priſoner who was in Priſon on the ſaid Twenty-ninth of *September*, and had continued ſo confin'd, the Perſon ſo neglecting or refuſing to inſert the ſame, ſhall for every ſuch Name ſo omitted, incur ſuch Penalties, as are herein after impoſed on every Sheriff, *&c.* who ſhall neglect or refuſe to make out or deliver ſuch Liſts, to be recovered in the ſame Manner as is herein after directed.

III. *Sect.* 3. Every Perſon, whoſe Name ſhall be inſerted in ſuch Liſts, who on the Twenty-ninth of *September*, 1724, was actually a Priſoner, and from thence to the Time of his Diſcharge, ſhall actually continue ſo, other than ſuch as are committed by any Judge's Warrant on an Eſcape, who ſhall take the Oath in the Act expreſſed, ſhall be for ever diſcharged from his Impriſonment, (that is to ſay) It ſhall be lawful for any Juſtice of any County, Riding, *&c.* (on the Petition of ſuch Priſoner) by Warrant

under his Hand and Seal, to require the Sheriff, Gaoler, &c. to bring before the Juſtices, at the next General Quarter-Seſſions of the Peace, to be held next after the Expiration of Thirty Days, from the Date of the Warrant, for the County, City, &c. the Body of any Perſon being in the Priſon, with the Warrant of his Detainer, together with a Copy of the Cauſes which he is charged with in the Priſon, at the Time aforeſaid; which Warrant every Sheriff, Gaoler, &c. is commanded to obey; and the Priſoner coming before the Juſtices, ſhall in open Court ſubſcribe and deliver in a Schedule of his whole Eſtate, and the Names of his ſeveral Debtors, and the ſeveral Sums of Money from them ſecured and owing upon any Specialty, Contract, or other Account whatſoever; and the Names and Places of Abode of the Perſons from whom the Debts are due, and of the Witneſſes who can prove ſuch Debts, and make Oath to the Effect following, viz.

I A. B. do upon my Corporal Oath, in the Preſence of Almighty God, ſolemnly ſwear, proteſt, and declare, that on the Twenty-ninth Day of September, *which was in the Year of our Lord, One thouſand Seven hundred and Twenty four, I was a Priſoner within the Priſon of in the Cuſtody of the Gaoler or Keeper of the ſaid Priſon of at the Suit of without my Conſent or Procurement, and without any Fraud or Colluſion whatſoever, and from that Time have been in Cuſtody, and confined at the Suit or Suits of the Perſon or Perſons before named, (unleſs at ſuch Time when I was out of Priſon by due Courſe of Law) and that the Schedule now delivered, and by me ſubſcribed, doth contain, to the beſt of my Knowledge, Remembrance and Belief, a full, juſt, true, and perfect Account and Diſcovery of all the Eſtate, Goods and Effects, unto me in any wiſe belonging, and ſuch Debts as are to me owing, or to any Perſon or Perſons in Truſt for me, and of all the Securities and Contracts, whereby any Money will or may hereafter become payable, or any Benefit or Advantage accrue to me, or to my Uſe, or to any Perſon or Perſons in Truſt for me, and the Names and Places of Abode of the ſeveral Perſons from whom ſuch Debts are due and owing, and of the Witneſſes that can prove ſuch Debts or Contracts, and that neither I, nor any other Perſon or Perſons in Truſt for me, have Land, Money, Stock, or any Eſtate Real or Perſonal, in Poſſeſſion, Reverſion, or Remainder, other than what are in the ſaid Schedule contained, (excepting Wearing Apparel, Bedding for my ſelf and Family, Working Tools, and neceſſary Implements for my Occupation and Calling, and theſe in the Whole not exceeding the Value of Ten Pounds) and that I have not, directly or indirectly ſold, leſſened, or otherwiſe conveyed, diſpoſed of in Truſt, or concealed,*

all

all or any Part of my Land, Money, Goods, Chattles, Stocks, Debts, Securities, Contracts, or Eſtates Real or Perſonal, whereby to ſecure the ſame, to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors to whom I am indebted in any wiſe howſoever.

So help me God.

Which Schedule ſo ſubſcribed is to remain with the Clerk of the Peace for the better Information of the Priſoner's Creditors; and the Eſtate, Debts and Effects contained in the Schedule, ſhall immediately after the Diſcharge of the Priſoner be veſted in the Clerk of the Peace of the County, City, &c. who is hereby authorized, by Order of the Juſtices at their Quarter-Seſſions, to make an Aſſignment of the Priſoner's Eſtate and Effects to ſuch of his Creditors as the major Part of them who ſhall apply for the ſame, ſhall, by Writing under their Hands, direct and appoint; for which Aſſignment the ſaid Clerk ſhall take Two Shillings, and no more; which Aſſignees are hereby impowered, in their own Names, to ſue for and recover the ſame, and to give ſufficient Diſcharges to each Debtor, and to divide the ſame among the Creditors, who, within one Month after Notice of ſuch Dividend be publiſhed in the *London Gazette*, ſhall produce to the Aſſignees an Affidavit before a Juſtice of the Peace, who is hereby impowered to take the ſame, proving his Debt from the Priſoner ſo diſcharged, in equal Proportions, according to their reſpective Debts, for which Aſſignment the Clerk of the Peace ſhall be paid one Shilling over and above the Stamp, and no more; and after the ſame is recovered, to render the Overplus, if any there be, (after their own Debts and Charges firſt deducted) to the Priſoner, his Executors, &c.

IV. *Sect.* 4. The Juſtice who ſhall grant ſuch Warrant for bringing the Priſoner before the Juſtices in Quarter-Seſſions, ſhall give a Writing, importing Notice to all the Creditors of ſuch Priſoner, under his Hand and Seal, that he hath granted ſuch Warrant, and that the Priſoner hath petitioned to be diſcharged; and the ſaid Notice ſhall be left for, or ſerved on the Perſons, or their Executors, &c. or the ſame, or a true Copy thereof, ſhall be left at their uſual Place of Abode, or with the Attorney, Solicitor, or Agent laſt employed in the Cauſe: And every Priſoner in *London*, or within the Weekly Bills, ſhall cauſe the like Notice to be given to every Creditor reſiding within the ſaid City or Weekly Bills, and the like Notice ſhall be given to every other Creditor reſiding within Ten Miles of the Priſon, which ſhall be left with, or ſerved on them,

Thirty Days before the Quarter-Seſſions; and publick Notice ſhall alſo be inſerted in the *London Gazette*, containing the Name, Trade, and laſt Place of Abode of every Priſoner (for which there ſhall be paid Six-pence for each Name, and no more) Thirty Days before the Quarter-Seſſions; ſo that as well the Creditors who have not charged the Priſoner in Cuſtody, as thoſe that have, may appear before the Juſtices in Quarter-Seſſions; and if it be proved on Oath before the ſaid Juſtices, that the ſaid Notice was ſo ſerved or left, and publick Notice inſerted in the *London Gazette* Thirty Days before the Quarter-Seſſions; and that the Perſon petitioning was actually a Priſoner on the Twenty-ninth of *September*, 1724, and ſhall have ſo continued to the Time of ſuch Priſoner's Diſcharge, and the ſaid Oath taken by the Priſoner be not diſproved by good Teſtimony of any credible Perſon on Oath; then the Juſtices ſhall, by Order of the Seſſions, command the Sheriff, Gaoler, *&c.* forthwith to ſet at Liberty ſuch Priſoner, without taking any Fee or Reward, other than Two Shillings for his Attendance with the Priſoner at the Quarter-Seſſions; which Order ſhall be a ſufficient Diſcharge to the Sheriff, *&c.* and ſhall indemnify him againſt any Eſcape or Action which ſhall be brought againſt him by Reaſon thereof.

V. *Sect.* 5. Any Court of Quarter-Seſſions, who ſhall make an Order for the Diſcharge of any ſuch Priſoner, ſhall (if required by any Creditor) give the Sheriff, Gaoler, *&c.* an Oath to the Effect following, *viz.*

I A. B. *do ſwear that was really and truly my Priſoner, in my Cuſtody, in the Priſon of to the beſt of my Knowledge and Belief, at or upon the Twenty-ninth Day of* September, *in the Year of our Lord, One thouſand Seven hundred and Twenty four; and, from that Time, to the beſt of my Knowledge, hath ſo continued, unleſs out of Priſon by the due Courſe of Law, and the Warrant of his or her Detainer; and the Copy or Copies of the Cauſe or Cauſes now by me brought, with the Body of the ſaid is the Warrant of his or her Detainer, and is or are a true Copy or Copies, without any Fraud or Deceit by me, or by any other, to the beſt of my Knowledge.*

So help me God.

VI. *Sect.* 6. If ſuch Perſon as was Sheriff, Gaoler, or Keeper of ſuch Gaol or Priſon on the Twenty-ninth of *September*, 1724, ſhall not happen to be Sheriff, *&c.* at the Time of making ſuch Order, then the Seſſions (if required as aforeſaid) ſhall adminiſter to ſuch Perſon as ſhall be Sheriff, *&c.* at the Time of making the Order, an Oath touch-

touching the Commitments, or Books of Commitment, to the Effect following, *viz.*

I A. B. *do ſwear, that I have examined the Commitments, or Books kept of or concerning the Commitment of Priſoners to the Priſon of in the County of (and I verily believe that the ſaid Commitments, or Books of Commitment, are really true, and not fictitious, nor calculated for this Purpoſe) and by them it does appear, that was, upon the Twenty-ninth Day of* September, *which was in the Year of our Lord, One thouſand Seven hundred and Twenty-four, really and truly a Priſoner in the Cuſtody of the then Sheriff, Gaoler, or Keeper of the ſaid Priſon, and from that Time hath ſo continued, without Fraud or Deceit by me, or the ſaid or any other Perſon or Perſons to my Knowledge.*

So help me God.

VII. *Sect.* 7. If any Sheriff, *&c.* ſhall, without juſt Cauſe, refuſe or delay to bring any Priſoner (though in Execution) to the Quarter-Seſſions, in Order to his Diſcharge, or ſhall neglect or refuſe to make out and deliver ſuch Liſts, or to take any of the Oaths before-mentioned, or ſhall, on any Pretence whatſoever, take more than Two Shillings herein before allowed for his Attendance, in Order to be diſcharged of the Priſoner, or ſhall detain the Priſoner after he ſhall be diſcharged; or, if the Printer of the *London Gazette* ſhall neglect or refuſe to inſert therein the Name, Trade, Occupation, and laſt Place of Abode of ſuch Priſoner, on a reaſonable Requeſt to him made for that Purpoſe, or ſhall take more than Six Pence for ſo doing, every ſuch Sheriff, Gaoler, *&c.* and every ſuch Printer of the *London Gazette*, ſhall reſpectively forfeit and pay to ſuch Priſoner Twenty Pounds, which may be recovered with treble Coſts of Suit, by Action of Debt, *&c.*

VIII. *Sect.* 8. If any ſuch Sheriff, Gaoler, *&c.* ſhall, in taking any of the before mentioned Oaths, forſwear himſelf, and be thereof convicted, he ſhall (over and above the Penalties now in Force, and that may be inflicted for Perjury) forfeit 50 *l.* to be recovered with full Coſts, by Bill, Plaint, *&c.* by and in the Name of the Aſſignees of the Eſtate of the Priſoner, for Diſcharging of whom ſuch Perjury ſhall be committed; and for Want of ſuch Aſſignees, in the Name of any other Creditor who will ſue for the ſame; to be applied, one Moiety to the Informer, and the other towards Satisfaction of the Debts of the Creditors.

IX. *Sect.* 9. If any Sheriff, Gaoler, *&c.* ſhall inſert in any Liſt delivered in, the Name of any Perſon who was not a Priſoner actually in Cuſtody on the Twenty-ninth of *September*,

ber, 1724, or being then a Priſoner, did not from that Time actually continue ſuch till the Time of making out and delivering ſuch Liſts, according to the Tenour of the Oath taken at the Time of delivering in ſuch Liſts, every ſuch Sheriff, &c. ſhall, for every Name ſo inſerted, forfeit 10 *l.* to be recovered in the ſame Manner, and applied to the ſame Uſes, as is before directed for Recovery of the Penalty, in Caſe of Conviction of Perjury.

X. *Sect.* 10. If any Clerk of the Peace ſhall delay or refuſe to give any Priſoner diſcharged, within Sixty Days after his Diſcharge, a Duplicate thereof, on Payment of 2*s.* 6*d.* or ſhall take more than 2*s.* 6*d.* for ſuch Duplicate, he ſhall forfeit to every ſuch Priſoner 5 *l.* to be recovered with Coſts of Suit, by Action of Debt, &c. or to be ordered to be paid by the Juſtices at their Quarter-Seſſions, who are hereby impowered to levy the ſame by Diſtreſs and Sale of the Offender's Goods.

XI. *Sect.* 11. If any Priſoner ſhall forſwear himſelf in any of the Matters aforeſaid, and be thereof lawfully convicted of wilful Perjury, he ſhall, over and above the Penalties in Force againſt Perſons convicted of wilful Perjury, be render'd incapable of receiving any Benefit of his Diſcharge, and liable to pay his Debts, as if this Act had not been made.

XII. *Sect.* 12. No Priſoner diſcharged by this Act, ſhall, at any Time hereafter be impriſoned by Reaſon of any Judgment obtained, or any Debt, &c. contracted or growing due, before the ſaid Twenty-ninth of *September*, but on every Arreſt on ſuch Judgment, Debt, &c. it ſhall be lawful for the Judge of the Court where the Proceſs iſſued, upon ſhewing the Duplicate of ſuch Priſoner's Diſcharge, to diſcharge him out of Cuſtody; ſo as ſuch Priſoner give a Warrant of Attorney to appear to ſuch Action, and to plead thereto.

XIII. *Sect.* 13. If any Action of Eſcape or other Suit be commenced againſt any Juſtice of the Peace, Sheriff, Gaoler, &c. for performing their Office in Purſuance of this Act, they may plead the General Iſſue, &c. and if the Plaintiff diſcontinue, &c. the Defendant ſhall have treble Coſts.

XIV. *Sect.* 14. The Diſcharge of any Perſon by Virtue of this Act, ſhall not acquit any other Perſon from the Debt; but all others ſhall be anſwerable for the ſame, as they were before the Paſſing of this Act.

XV. *Sect.* 15. Notwithſtanding the Diſcharge of the Perſon of the Priſoner, all Judgments had againſt him, ſhall ſtand good in Law againſt his Lands, Tenements, and Hereditaments, Goods and Chattels; and the Creditor may take out a new Execution againſt his Lands, &c. (his Wearing Apparel,

Apparel, Bedding for his Family, and neceſſary Working Tools, not exceeding the Value of 10 *l.* only excepted) for the Satisfaction of his Debt.

XVI. *Sect.* 16. It ſhall be lawful for any Perſon diſcharged by this Act, in Caſe any *Scire facias*, or Action of Debt ſhall be brought againſt him, on any Judgment obtained againſt him, or Statute or Recognizance acknowledged by him, before the ſaid Twenty-ninth of *September*, to plead generally in Diſcharge of his Perſon from Execution, That he was a Priſoner in ſuch a Priſon at ſuch a Perſon's Suit upon the ſaid Twenty-ninth of *September*, and duly diſcharged according to this Act, at the Quarter-Seſſions held at ſuch Time and Place for ſuch County, City, &c. without pleading any other Matter ſpecially: And in Caſe any other Action or Suit ſhall be commenced againſt him for any other Debt due before the ſaid Twenty-ninth of *September*, he may plead in Diſcharge of his Perſon from Execution, That ſuch Debt was contracted before the ſaid Twenty-ninth of *September*; and further generally, That he was actually a Priſoner, and duly diſcharged in the Manner above directed, without pleading any other Matter ſpecially; whereto the Plaintiff ſhall reply, That the Defendant was not actually a Priſoner on the ſaid Twenty-ninth of *September*, or any other Matter which may ſhew the Defendant not to be entitled to the Benefit of this Act, and not duly diſcharged according to it; and if the Plaintiff be nonſuited, &c. the Defendant ſhall have treble Coſts.

XVII. *Sect.* 17. No Perſon who ſhall not obtain his Diſcharge before the Twenty-ſixth of *March*, 1726, ſhall have any Benefit by this Act.

XVIII. *Sect.* 18. This Act ſhall not extend to *Scotland*.

XIX. *Sect.* 19. Every Sheriff, Gaoler, &c. ſhall ſuffer in the Day-time any Perſon to ſpeak with, in the Lodge, or ſome other convenient Room of the Priſon, any Priſoners whoſe Names are inſerted in the Liſts, or *London Gazette*; and alſo to ſee in the true and genuine Books of the Priſon, the Entries made of the Names of ſuch Priſoners, together with the Names of the Perſons at whoſe Suits they are detained: And if any Sheriff, Gaoler, &c. ſhall refuſe to comply with what is above required, he ſhall forfeit to the Perſon ſo refuſed 10 *l.* to be recovered with full Coſts by Action of Debt, &c.

XX. *Sect.* 20. If any Priſoner, being required by any Creditor, ſhall refuſe to declare the Trade, Occupation, and Habitation, or laſt Place of Abode of any Perſon at whoſe Suit he is detained; or being called for, ſhall refuſe to come to the Lodge, on Proof thereof before the Juſtices at the

the Quarter-Seſſions, he ſhall be incapable of receiving any Benefit by this Act.

XXI. *Sect.* 21. If any Sheriff, Gaoler, &c. ſhall make, or cauſe to be made, any falſe Entries in any Book belonging to the Priſon, or ſhall keep, or cauſe to be kept, any falſe Books in Order for ſuch falſe Entries, he ſhall (over and above the Penalties now in Force for ſuch Fraud, Forgery, or Corruption) forfeit 100 *l.* to be recovered with treble Coſts of Suit, by and in the Name of any Perſon who will ſue for the ſame by Action of Debt, &c.

XXII. *Sect.* 22. No Perſon againſt whom a Statute of Bankrupt hath been awarded, ſhall have any Benefit by this Act, except for ſuch Debts as have been contracted ſince the Date of ſuch Statute.

XXIII. *Sect.* 23. Notwithſtanding the Diſcharge of any Priſoner by Virtue of this Act, if it ſhall hereafter appear that the ſame was obtained fraudulently, the ſame ſhall be void, and of none Effect.

XXIV. *Sect.* 24. Every Priſoner petitioning to be diſcharged by this Act, ſhall leave with the Juſtice petitioned, a true Copy of the Schedule, containing his intended Diſcovery, to be ſworn to at the Quarter-Seſſions; which Copies ſhall be tranſmitted to the Clerks of the Peace, and there to be ſeen without Fee by any Creditor.

XXV. *Sect.* 25. It ſhall be lawful for two or more Juſtices of the Peace for each of the Three Ridings and Diviſions in the Counties of *York* and *Lincoln*, at the Common and County Gaol thereof reſpectively, to aſſemble and hold Seſſions there by Adjournment from their reſpective Quarter-Seſſions, for the Diſcharge of the Priſoners therein, according to the Powers and Directions of this preſent Act.

XXVI. *Sect.* 26. All Debtors and others, who were in Priſon on the Twenty-ninth of *September*, 1724, for Want of paying their Fees or Charges due to the Gaoler, or to any other Officer, (and on no other Account) ſuch Fees or Charges not exceeding 40 *s.* ſhall be diſcharged on taking the Oath required by this Act.

XXVII. *Sect.* 27. This Act ſhall not extend to diſcharge any Perſon out of Priſon, who ſhall ſtand charged with any Debts to his Majeſty, or indebted to any one Perſon in the Sum of 100 *l.* beſides Intereſt and Coſts, unleſs by Conſent of the Creditor.

XXVIII. Stat. 2 *Geo.* 2. *cap.* 20. *Sect.* 1. Every Sheriff, Gaoler, or Keeper of any Priſon, in any County, Riding, Diviſion, City, Town, and Liberty within this Kingdom, ſhall make a true and perfect Liſt alphabetically of the Names

Names of every Perſon, who, on the Twenty-ninth of *September*, 1728, was actually Priſoner in the Cuſtody of ſuch Sheriff, &c. upon any Proceſs whatſoever, by Reaſon of any Debt, Damages, Coſts, or Sums of Money, and the Time when ſuch Priſoner was charged in Cuſtody, with the Names of the Perſons at whoſe Suit he is detained, and ſhall deliver the ſame to the Juſtices at the firſt Quarter-Seſſions to be held after the Twenty-fourth of *June*, 1729, for ſuch County, &c. and ſhall in open Court take an Oath to the Effect following, *viz.*

I A. B. *do, upon my Corporal Oath, in the Preſence of Almighty God, ſolemnly ſwear, profeſs, and declare, That all and every Perſon and Perſons, whoſe Name or Names are inſerted and contained in the foregoing Liſt, by me now delivered and ſubſcribed, were, to the beſt of my Knowledge and Belief, upon the Twenty-ninth Day of* September, *in the Year of our Lord One thouſand ſeven hundred and twenty eight, really and truly Priſoners in the Priſon or Gaol of at the Suit or Suits of the ſeveral Perſons therein reſpectively mentioned, and ſo have continued without any Fraud or Deceit by me, or any other to my Knowledge, unto this Day, unleſs out of Priſon by due Courſe of Law, or otherwiſe out of Priſon, not exceeding Ten Days in the Whole, betwixt the ſaid before mentioned Times; and that the ſaid Liſt is a true, exact, perfect, and juſt Liſt of all ſuch Perſons, as were really and truly Priſoners in the ſaid Gaol or Priſon of on the ſaid Twenty-ninth Day of* September, *in the ſaid Year One thouſand ſeven hundred and twenty-eight, and have from that Time to this Day ſo continued as aforeſaid.*

So help me God.

Which Oath the Juſtices are to adminiſter, and the Words of it ſhall be enter'd at the Bottom of every Liſt: Which Liſt ſo ſubſcribed and ſworn to ſhall be kept by the Clerk of the Peace for every ſuch County, &c. for the better Satisfaction of the Juſtices, and Information of all Creditors, and to be ſeen without Fee. And the Juſtices ſhall order Copies of the ſaid Liſts to be printed by the Clerk of the Peace; for each of which printed Copies he may take, according to the Quantity of the Names therein contained, what ſhall be order'd by the Juſtices, not exceeding 1 *s.* for every Liſt, to be paid by the Perſons who ſhall deſire ſuch Copies.

XXIX. *Sect.* 2. Every ſuch Sheriff, Gaoler, &c. ſhall fix up in the moſt conſpicuous Place in every ſuch Priſon, and at the moſt frequented Gate, Door, or Entrance into every ſuch Priſon, three or more true Copies of the Liſts, Ten Days before the Seſſions: And if any ſuch Sheriff, &c.

ſhall neglect or refuſe to inſert the Name of any Priſoner who was in Priſon on the ſaid Twenty-ninth of *September*, 1728, and continued ſo confined as aforeſaid, he ſhall, for every ſuch Name ſo omited, incur ſuch Penalties as are herein after impoſed on every ſuch Sheriff, *&c.* who ſhall refuſe or neglect to make out, fix up, or deliver ſuch Liſt; to be recovered in the ſame Manner, and to be applied to the ſame Uſes, as herein after is directed for the Recovery and Application of the Penalty, in Caſe of Neglect or Refuſal to make out ſuch Liſts.

XXX. *Sect.* 3. All Perſons, whoſe Names ſhall be inſerted in ſuch Liſts, who, on the ſaid Twenty-ninth of *September*, 1728, were actually Priſoners in the Cuſtody of any Sheriff, *&c.* and from thence to the Time of their being diſcharged, as hereby directed, ſhall continue actually Priſoners, who ſhall take the Oath herein after mentioned, ſhall be for ever releaſed and diſcharged from their Impriſonment, in the Manner herein after preſcribed, that is to ſay: It ſhall be lawful for any Juſtice of any County, Diviſion, Riding, City, Town, or Liberty, within this Kingdom, (upon the Petition of any ſuch Priſoner) by Warrant under his Hand and Seal, to require the Sheriff, Gaoler, *&c.* within his Juriſdiction, to bring before the Juſtices at the next Quarter-Seſſions to be held next after the Expiration of Thirty Days from the Date of the ſaid Warrant, for ſuch County, *&c.* the Body of any Perſon being in the ſaid Priſon, with the Warrant of his Detainer, together with a Copy of the Cauſes he is charged with, in the ſaid Priſon: Which Warrant of the Juſtice every ſuch Sheriff, *&c.* is commanded to obey: And ſuch Priſoner coming before the Juſtices at the Quarter Seſſions, ſhall in open Court ſubſcribe and deliver in a Schedule of his whole Eſtate, and the Names of his ſeveral Debtors, and the ſeveral Sums of Money from them ſecured or owing upon any Specialty, Contract, or other Account whatſoever, and the Names and Places of Abode of the Perſons from whom ſuch Debts are due and owing, and of the Witneſſes who can prove ſuch Debts or Contracts, and make Oath to the Effect following, that is to ſay,

I A. B. *do, upon my Corporal Oath, in the Preſence of Almighty God, ſolemnly ſwear, proteſt, and declare, That on the Twenty-ninth Day of* September, *in the Year of our Lord One thouſand ſeven hundred and twenty eight, I was a Priſoner within the Priſon of in the Cuſtody of the Gaoler or Keeper of the ſaid Priſon of at the Suit of without my Conſent or Procurement, and without any Fraud or Colluſion whatſoever, and from that Time to this Day have been in Cuſtody, and*

and confined, at the Suit or Suits of the Perſon or Perſons before named (unleſs at ſuch Time when I was out of Priſon by due Courſe of Law) or otherwiſe out of Priſon, not exceeding Ten Days in the Whole betwixt the Times before mentioned; and that the Schedule now delivered, and by me ſubſcribed, doth contain, to the beſt of my Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect Account and Diſcovery of all the Eſtate, Goods, and Effects unto me in any wiſe belonging, and ſuch Debts as are to me owing, or to any Perſon or Perſons in Truſt for me, and of all the Securities and Contracts whereby any Money now is, or will, or may hereafter become payable, or any Benefit or Advantage accrue to me, or to my Uſe, or to any Perſon or Perſons in Truſt for me, and the Names and Places of Abode of the ſeveral Perſons from whom ſuch Debts are due and owing, and of the Witneſſes, that can prove ſuch Debts or Contracts; and that neither I, nor any other Perſon or Perſons in Truſt for me, have Lands, Money, Stock, or any Eſtate, real or perſonal, in Poſſeſſion, Reverſion, or Remainder, other than what are in the ſaid Schedule contained (except Wearing Apparel, Bedding for my ſelf and Family, Working Tools, and neceſſary Implements for my Occupation and Calling, and theſe in the Whole not exceeding the Value of Ten Pounds) and that I have not directly or indirectly ſold, leſſened, or otherwiſe conveyed, diſpoſed of in Truſt, or concealed, all or any Part of my Land, Money, Goods, Chattels, Stocks, Debts, Securities, Contracts, or Eſtates, real or perſonal, whereby to ſecure the ſame, to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors, to whom I am indebted in any wiſe howſoever.

So help me God.

Which Schedule, being ſo ſubſcribed, as aforeſaid, is to remain with the Clerk of the Peace for the better Information of the Creditors of ſuch Priſoner; and all the Eſtate, Right, Title, Intereſt and Truſt of ſuch Priſoner of, in and to ſuch real Eſtate, as well Copy or Cuſtomary Hold as Freehold, and ſuch perſonal Eſtates, Debts and Effects, contained in ſuch Schedule, ſhall immediately after the Diſcharge of ſuch Priſoner be veſted in the Clerk of the Peace, of any County, &c. who is hereby authorized, by Order of the Juſtices at their Quarter-Seſſions, to make an Aſſignment of the ſaid Eſtate and Effects to ſuch of the Creditors of the Priſoner, as the major Part of the Creditors ſhall direct or appoint; (for which Aſſignment the Clerk of the Peace ſhall take 2 *s.* and no more) in Truſt for themſelves and the reſt of the Creditors; which Aſſignees are impowered to ſue for the ſame in their own Names, and to recover and receive the ſame, and to give ſufficient Diſcharges to each Debtor, and fully to divide the Priſoner's Eſtate and Effects, or the Monies ariſing from the Sale or Diſpoſition thereof, (ſuch

Seal

Sale or Diſpoſition to be approv'd of by the major Part of the Creditors in Writing) among the Creditors of ſuch Priſoner, who, within One Month after Notice of ſuch intended Dividend publiſhed in the *Gazette*, ſhall produce to the Aſſignees an Affidavit made before a Juſtice of the Peace, proving the Debt due from the Priſoner ſo diſcharged, in equal Proportions, according to their reſpective Debts; and to render the Overplus (their own Debts and Charges firſt deducted) to the Priſoner, his Executors or Adminiſtrators.

XXXI. *Sect.* 4. Provided, That every ſuch Aſſignee of every Copyhold or Cuſtomary Eſtate of ſuch Priſoner, ſhall, before he enter or take any Profit thereof, agree and compound with the Lord of the Manor, of whom the ſame is holden, for ſuch Fine upon any Surrender or Admiſſion, as has heretofore been accuſtomed to be paid; and upon every ſuch Agreement or Compoſition, the ſaid Lord for the Time being, at the next Court to be holden for the Manor, ſhall grant to the Aſſignees the ſaid Copyhold Eſtate, by Copy of Court-Roll, according to the Cuſtom of the Manor, for and during the Eſtate to him ſo aſſigned, reſerving the Rents, Duties, and Services to which ſuch Copyhold Eſtate was liable at the Time of the ſaid Aſſignment, and ſhall alſo admit the Aſſignees Tenants of the ſame, according to the Cuſtom of the Manor.

XXXII. *Sect.* 5. Provided alſo, That nothing herein before contained ſhall prejudice or affect any Eſtate, Intereſt or Rights whatſoever, of any Perſons, other than the Priſoner, which may be expectant on, or ſubject to, the Eſtate or Intereſt of the Priſoner, hereby veſted in the Clerk of the Peace; but the Eſtate and Intereſt of every ſuch other Perſon ſhall remain in the ſame Manner as if this Act had not been made.

XXXIII. *Sect.* 6. Where any Rent, not exceeding One Year's, ſhall be due to any Perſon from any ſuch Priſoner, at the Time of his Diſcharge, or in Reſpect of any Meſſuage, Lands or Tenements then in Leaſe to ſuch Priſoner, for Life, Lives, Years, at Will, or otherwiſe, no Goods or Chattels then lying on the Tenements ſo in Leaſe, or liable to be diſtrained, ſhall be aſſigned by the Clerk of the Peace in Manner aforeſaid, but ſhall by him be tranſferred to ſuch Landlord, or ſome Perſon intruſted for him, towards Satisfaction of the Rent then due; unleſs the Perſon, to whom ſuch Aſſignment ſhall be made by the Clerk of the Peace, ſhall, by Writing under his Hand and Seal, before ſuch Aſſignment, agree to pay or ſatisfy to ſuch Landlord the Rent to him due, or not exceeding One Year's Rent, to the Intent that ſuch Landlord may be ſatisfy'd his

Rent

Rent due before the Diviſion of the Priſoner's Eſtate among his other Creditors, in like Manner as he might be ſatisfy'd the Rent to him due before the Removal of ſuch Goods or Chattels by Virtue of an Execution, by Force of the Statute of 8 *A. cap.* 14. *For the better Security of Rents, and to prevent Frauds committed by Tenants.*

XXXIV. *Sect.* 7. This Act ſhall not extend to prevent Mortgages upon the Eſtate of any ſuch Priſoner to take Place upon the Lands, Tenements, or Hereditaments comprized in ſuch Mortgage; nor to prevent any Statute-Staple, Statute-Merchant, Recognizance or Judgment, acknowledg'd by, or obtain'd againſt, ſuch Priſoner, to take Place upon the Lands, Tenements, or real Eſtate of ſuch Priſoner; and alſo where any Inquiſition ſhall have been taken upon any ſuch Statute or Recognizance, or any Writ of Execution ſhall have been taken out, and deliver'd to the Sheriff or proper Officer, upon any ſuch Judgment, before ſuch Aſſignment made by the Clerk of the Peace, upon his perſonal Eſtate, preferably and prior to any Diviſion of the Eſtate and Effects of any ſuch Priſoner, among his other Creditors, for ſo much as ſhall remain really due upon ſuch Mortgage, Statute, Recognizance or Judgment reſpectively, in like Manner as if ſuch Mortgagees or Creditors by Statute, Recognizance, or Judgment, would have been preferred to other Creditors of an inferior Nature, againſt the real or perſonal Eſtate of ſuch Priſoner, if this Act had not been made.

XXXV. *Sect.* 8. The Juſtice who ſhall grant a Warrant for bringing a Priſoner before the Juſtices at the Quarter-Seſſions, ſhall give a Writing, importing Notice to all the Creditors of the Priſoner petitioning, under his Hand and Seal, that he hath granted ſuch Warrant, and that the Priſoner hath petitioned to be diſcharged; and the ſaid Notice ſhall be left for, or ſerved upon, the Perſons, their Executors or Adminiſtrators, or ſome or one of them, or his Attorney, or Agent, lawfully authorized, or the ſame, or a true Copy thereof, ſhall be left at the uſual Place of Abode of the ſaid Perſons, with their Attorney, Solicitor or Agent, laſt employ'd in the Cauſe by the Plaintiff, at whoſe Suit the Priſoner ſhall be impriſoned; and every Priſoner, confined within the City of *London*, or Weekly Bills of Mortality, ſhall cauſe the like Notice to be given to every other Creditor reſiding within the ſaid City or Weekly Bills; and the like Notice ſhall be given to every other Creditor, reſiding within Ten Miles of the Priſon where ſuch Priſoner ſhall be in Cuſtody; which Notice ſhall be left with, or ſerved upon the Perſon Thirty Days before the General Quarter-Seſſions appointed by the ſaid Warrant; and publick

lick Notice ſhall alſo be inſerted in the *London Gazette*, containing the Name, Trade, or Occupation, and laſt Place of Abode of every Priſoner, and the Priſon wherein he is confined, and of his Intention to take the Benefit of this Act; for which there ſhall be paid One Penny, and no more, for each Name, Thirty Days before ſuch Quarter-Seſſions appointed, as aforeſaid, by the ſaid Warrant, ſo that as well all the Creditors who have not charged the ſaid Priſoner in Cuſtody, as thoſe Creditors which have, ſhall have ſufficient Notice, as aforeſaid, and the Priſoner may appear before the Juſtices at the ſaid General Quarter-Seſſions, to be held for the ſame County, *&c.* and if it ſhall be proved upon Oath before the Juſtices, that Notice was ſo ſerved or left, as aforeſaid; and publick Notice inſerted in the *London Gazette*, Thirty Days before the ſaid Quarter-Seſſions, and that the Perſon ſo petitioning was actually a Priſoner on the Twenty-ninth of *September*, 1728, and ſhall have continued a Priſoner to the Time of his Diſcharge; and the Oath taken by the Priſoner be not diſproved by good Teſtimony of any credible Perſon on Oath, to be adminiſter'd by the Juſtices, then the ſaid Juſtices, or the major Part of them, being ſatisfied therewith, ſhall, by Order of the ſaid Seſſions, command the Sheriff, Gaoler, *&c.* forthwith to ſet at Liberty ſuch Priſoner, without taking any other Fee or Reward than 1 *s.* for his Attendance with ſuch Priſoner at the Quarter-Seſſions, in Order for his Diſcharge; which Order ſhall be a ſufficient Diſcharge to the Sheriff, *&c.* and ſhall indemnify him againſt any Eſcape or Action whatſoever, which ſhall be brought againſt him by Reaſon thereof.

XXXVI. *Sect.* 9. Any Court of Quarter-Seſſions, which ſhall make an Order for the Diſcharge of any Priſoner, ſhall, (if required by any Creditor, who ſhall oppoſe ſuch Priſoner's Diſcharge) adminiſter to the Sheriff, or Gaoler, *&c.* of the Priſon where ſuch Priſoner is, an Oath to the Effect following, that is to ſay,

I A. B. *do ſwear, That was really and truly my Priſoner, in my Cuſtody, in the Priſon of to the beſt of my Knowledge and Belief, at or upon the ſaid Twenty-ninth Day of* September, *in the Year of our Lord One thouſand ſeven hundred and twenty-eight; and from that Time, to the beſt of my Knowledge, hath till this Day ſo continued, unleſs out of Priſon by the due Courſe of Law, or otherwiſe out of Priſon, not exceeding Ten Days in the Whole, betwixt the Times before mentioned; and the Warrant or Warrants of his or her Detainer, and the Copy or Copies of the Cauſe or Cauſes now by me brought, with the Body of the ſaid is the Warrant of his or her Detainer, and is or are a true Copy or*

Copies, without any Fraud or Deceit by me, or by any other, to the beſt of my Knowledge.

So help me God.

XXXVII. *Sect.* 10. Provided, That if the Perſon who was Sheriff, or Gaoler, &c. on the ſaid Twenty-ninth of *September*, 1728, ſhall not happen to be Sheriff, &c. at the Time of making ſuch Orders, the Quarter-Seſſions, if required as aforeſaid, ſhall give to ſuch Perſons as ſhall be Sheriff, &c. at the Time of making the ſame, an Oath touching the Commitments, to the Effect following, *viz.*

I A. B. *do ſwear, That I have examined the Commitments, or Books kept of or concerning the Commitment of Priſoners to the Priſon of in the County of and I verily believe, that the ſaid Commitments, or Books of Commitment, are really true, and not fictitious, nor calculated for this Purpoſe; and by them it does appear, that was, upon the ſaid Twenty-ninth Day of* September, *which was in the Year of our Lord One thouſand ſeven hundred and twenty-eight, really and truly a Priſoner in the Cuſtody of the then Sheriff, Gaoler, or Keeper of the ſaid Priſon, and from that Time hath ſo continued, without Fraud or Deceit by me, or the ſaid or any other Perſon or Perſons to my Knowledge.*

So help me God.

XXXVIII. *Sect.* 11. Whereas great Numbers of Workmen, ſkilful in the ſeveral Trades and Manufactures of this Kingdom, and alſo many able Seamen and Mariners, finding themſelves unable to ſatisfy the Whole of their reſpective Debts, and dreading the Miſeries of a Gaol, have choſe rather to leave their Employments, and Native Country, and have enter'd themſelves in Foreign Service; and whereas their Continuance Abroad muſt be of great Prejudice to the Trade of this Kingdom; in Order therefore to induce and enable ſuch Perſons to return, it is enacted, That every Debtor, having ſerved an Apprenticeſhip, or having been for One Year imploy'd in any Trade or Manufacture of this Kingdom, as a Workman therein, or in the Sea-Service as a Mariner, and was actually beyond the Seas in Foreign Parts, on the Firſt Day of *February*, 1728, who ſhall return, and ſurrender himſelf to the Gaoler or Keeper of the *King's Bench*, *Marſhalſea* or *Fleet*, or to the Priſon of ſuch County where ſuch Debtor laſt dwelt for the Space of Six Months (which Gaolers are required and impowered to receive and detain ſuch Debtors ſo ſurrendring themſelves in Order to their Diſcharge) ſhall immediately

after ſuch Surrender be deemed a Priſoner within, and be to all Intents and Purpoſes intitled to, the Benefit of this Act; and ſhall, upon due Proof of the Premiſſes, by the Oath of ſuch Debtor, (not diſproved by any credible Witneſs) be diſcharged in the ſame Manner, as if they had been actually in Priſon on the Twenty-ninth of *September*, 1728, and continued there as aforeſaid; but ſubject to the ſame Reſtrictions and Proviſions, and upon Compliance with the ſame Terms, Conditions and Qualifications, herein before impoſed on Priſoners in actual Cuſtody on the ſaid Twenty-ninth of *September*, 1728; and alſo ſubject to the Terms and Proviſions relating to the Eſtate and Effects of ſuch Priſoners as aforeſaid; excepting only ſuch Particulars thereof as require the Name of a Priſoner to be inſerted in the Sheriff's or Gaoler's Liſt, or relate to the Oath of ſuch Sheriff, Gaoler, &c. herein before appointed to be taken; and alſo ſo much thereof as requires Notice to be ſerved on the Perſons at whoſe Suits ſuch Priſoner is confined, (which Particulars can not poſſibly be apply'd to the Caſe of Perſons ſurrendring themſelves as aforeſaid) and alſo except the Oath appointed to be taken by Priſoners in Cuſtody on the Twenty-ninth of *September*, 1728, inſtead of which the Perſon ſo ſurrendring ſhall take an Oath to the Effect following, *viz.*

I A. B. *do, upon my Corporal Oath, in the Preſence of Almighty God, ſolemnly ſwear, proteſt, and declare, That I have ſerved an Apprenticeſhip unto, or have been imployed as a Workman in the Trade of or in manufacturing of or in the Sea-Service as a Mariner, and have been ſo imployed for the Space of One Year; and that on the ſaid firſt Day of* February, *in the Year of our Lord One thouſand ſeven hundred and twenty-eight, I was actually beyond the Seas, in Foreign Parts, viz. at and that the Schedule now delivered, and by me ſubſcribed, doth contain, to the beſt of my Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect Account and Diſcovery of all the Eſtate, Goods, and Effects, unto me in any wiſe belonging, and ſuch Debts as are to me owing, or to any Perſons in Truſt for me, and of all the Securities and Contracts whereby any Money now is, or will, or may hereafter become payable, or any Benefit or Advantage accrue to me, or to my Uſe, or to any Perſon or Perſons in Truſt for me, and the Names and Places of Abode of the ſeveral Perſons from whom ſuch Debts are due and owing, and of the Witneſſes that can prove ſuch Debts or Contracts; and that neither I, nor any other Perſon or Perſons in Truſt for me, have Land, Money, Stock, or any Eſtate, real or perſonal, in Poſſeſſion, Reverſion, or Remainder, other than what are in the ſaid Schedule contained (excepting wearing Apparel, Bedding*

for

for my ſelf and Family, working Tools, and neceſſary Implements for my Occupation and Calling, and theſe in the Whole not exceeding the Value of Ten Pounds) and that I have not directly or indirectly, ſold, leſſened, or otherwiſe conveyed, diſpoſed of in Truſt, or concealed, all or any Part of my Land, Money, Goods, Chattels, Stocks, Debts, Securities, Contracts, or Eſtates, real or perſonal, whereby to ſecure the ſame, to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors, to whom I am indebted, in any wiſe howſoever.

So help me God.

XXIX. *Sect.* 12. If any Sheriff, Gaoler, *&c.* ſhall, without juſt Cauſe to be approved by the Juſtices, refuſe or delay to bring any ſuch Priſoner (although in Execution) to the Quarter-Seſſions, in Order to his Diſcharge; or ſhall neglect or refuſe to make out and deliver ſuch Liſts as aforeſaid, or to take any of the before-mentioned Oaths, or ſhall, upon any Account or Pretence whatſoever, take more than One Shilling for his Attendance, in Order to be diſcharged of ſuch Priſoner; or ſhall detain the Priſoner after he is diſcharged; or if the Printer of the *London Gazette* ſhall neglect or refuſe to inſert therein the Name, Trade, Occupation and laſt Place of Abode of any ſuch Priſoner, or ſhall take more than one Peny for ſo doing, every ſuch Sheriff, *&c.* and the Printer of the *London Gazette*, ſhall reſpectively forfeit and pay to the Priſoner 100 *l.* which may be recovered with treble Coſts of Suit, by Action of Debt, Bill, Plaint, *&c.* in any of the Courts at *Weſtminſter*, wherein no Eſſoign, *&c.* or more than one Imparlance ſhall be allowed.

XL. *Sect.* 13. If any Sheriff, Gaoler, *&c.* ſhall, in taking any of the afore mentioned Oaths, forſwear himſelf, and be thereof lawfully convicted, ſuch Sheriff, *&c.* (above the Penalties that may be inflicted on Perſons convicted of Perjury) ſhall, upon every ſuch Conviction, forfeit 500 *l.* to be recovered with full Coſts, by Bill, Plaint, *&c.* in any of his Majeſty's Courts at *Weſtminſter*, wherein no Eſſoin, *&c.* to be allowed, in the Name of ſuch Perſons, their Executors and Adminiſtrators, as ſhall be appointed Aſſignees of the Eſtate and Effects of the Priſoner, for diſcharging of whom ſuch Perjury ſhall be committed; and for Want of ſuch Aſſignees, in the Name of any other Creditor who ſhall ſue for the ſaid Penalties; one Moiety to be apply'd to the Uſe of the Informer, the other Moiety towards Satisfaction of the Debts of ſuch Creditors.

XLI. *Sect.* 14. If any Perſon who now is, or was on the Twenty-ninth of *September*, 1728, Sheriff, Gaoler, *&c.* ſhall inſert in any Liſt delivered in as aforeſaid, the Name of

any Perſon, who was not a Priſoner actually in Cuſtody on the ſaid Twenty-ninth of *September*, 1728, and did not from that Time actually continue ſuch to the Time of making out and delivering ſuch Liſts; every ſuch Sheriff, &c. ſhall, for every Name ſo inſerted, forfeit 200 *l.* to be recovered in the ſame Manner, and applied to the ſame Uſes, as is before directed for the Recovery of the Penalty and Forfeiture, in Caſe of Conviction of Perjury.

XLII. *Sect.* 15. If any Clerk of the Peace ſhall delay or refuſe to give to any Priſoner ſo diſcharged, within Sixty Days after his Diſcharge, a Duplicate of his Diſcharge, on Payment of 2 *s.* 6 *d.* or ſhall take more than that Sum for ſuch Duplicate, he ſhall forfeit and pay to every ſuch Priſoner 20 *l.* to be order'd to be paid by the Juſtices at their Quarter-Seſſions, who are impowered to levy the ſame by Diſtreſs and Sale of the Offender's Goods.

XLIII. *Sect.* 16. If any ſuch Priſoner, or any Perſon entitled to the Benefit of this Act, ſhall forſwear himſelf in any of the Matters aforeſaid, and ſhall be thereof lawfully convicted of wilful Perjury, he ſhall be adjudged a Felon, and ſuffer as ſuch without Benefit of Clergy.

XLIV. *Sect.* 17. No Perſon diſcharged by this Act, ſhall be hereafter impriſoned by Reaſon of any Decree or Judgment obtained for Payment of Money only, or for any Debt, Damages, Contempts, Coſts, or Sums of Money, contracted, incurred, owing or growing due before the ſaid Twenty-ninth of *September*, 1728, with reſpect to the Priſoners then actually in Priſon, or before the Firſt Day of *February*, 1728, with Reſpect to the Debtors beyond Sea, upon the ſaid Firſt Day of *February*, who are intitled to the Benefit of this Act; but upon every Arreſt upon any ſuch Judgment, Decree, &c. it ſhall be lawful for any Judge of the Court whence the Proceſs iſſued, upon ſhewing the Duplicate of ſuch Priſoner's Diſcharge, to releaſe him out of Cuſtody, and the Judge is hereby impowered ſo to do; ſo as ſuch Priſoner, arreſted or detained upon Execution, or meſne Proceſs, do give a Warrant of Attorney to appear to every ſuch Action, and to plead thereunto.

XLV. *Sect.* 18. If any Action of Eſcape, or other Action, be brought againſt any Juſtice of the Peace, Sheriff, Gaoler, &c. for performing their Office in Purſuance of this Act, they may plead the General Iſſue, and give this Act in Evidence; and if the Plaintiff be nonſuited, or diſcontinue his Action, or Verdict paſs againſt him, or Judgment upon Demurrer, the Defendant ſhall have treble Coſts.

XLVI. *Sect.* 19. The Diſcharge of any Perſon by Virtue of this Act, ſhall not acquit any other Perſon from ſuch Debt;

Debt; but all others ſhall be anſwerable for the ſame, as they were before the Paſſing this Act.

XLVII. *Sect.* 20. Notwithſtanding the Diſcharge of ſuch Priſoner, all Debts owing from him, all Judgments taken, and Decrees obtained againſt him, ſhall ſtand good and effectual in the Law againſt his Lands, Tenements, Hereditaments, Goods and Chattels, which he or any Perſon in Truſt for him at the Time of ſuch Diſcharge hath, or at any Time hereafter ſhall be poſſeſſed of, intereſted in or entitled unto, either in Law or Equity, except his Wearing Apparel, Bedding for his Family, and Working Tools and Implements neceſſary for his Occupation, not exceeding the Value of 10*l.* in the Whole: And it ſhall be lawful for any Creditor of ſuch Priſoner ſo diſcharged, his Executors or Adminiſtrators, to take out a new Execution againſt the Lands, Goods, *&c.* of ſuch Priſoner, (except as before excepted) for Satisfaction of his Debt, as he might have done if the Perſon of ſuch Priſoner had not been taken in Execution, any Law, *&c.* to the contrary notwithſtanding.

XLVIII. *Sect.* 21. It ſhall be lawful for any Perſon diſcharged by this Act, in Caſe a *Scire facias* or Action of Debt be brought againſt him, upon any Judgment obtained againſt, or any Statute or Recognizance acknowledged by him before the Twenty-ninth of *September*, 1728, with Reſpect to Priſoners in actual Cuſtody on that Day; with Reſpect to Debtors beyond the Seas, on the Firſt of *February*, 1728, to plead generally in Diſcharge of his Perſon from Execution, that he was actually a Priſoner in ſuch a Priſon, at ſuch a Perſon's Suit, on the ſaid Twenty-ninth of *September*, 1728, or was beyond the Seas in Foreign Parts on the ſaid Firſt of *February*, 1728, and was a Perſon entitled and qualify'd by this Act to ſurrender himſelf, and did accordingly ſurrender himſelf to ſuch a Priſon, on ſuch a Day, and was duly diſcharged according to this Act at the Quarter-Seſſions held at ſuch a Time and Place, for ſuch a County, Liberty, City, *&c.* (as his Caſe is) without pleading any Matter ſpecially: And in Caſe any other Action or Suit be commenced againſt him, for any other Debt due before the ſaid Twenty-ninth of *September*, 1728, or before the ſaid Firſt of *February*, 1728, to plead, in Diſcharge of his Perſon from Execution, that ſuch Debt was contracted or due before the ſaid Twenty-ninth of *September*, 1728, or Firſt of *February*, 1728, without pleading any other Matter ſpecially; whereto the Plaintiff may reply generally, and deny the Matters ſo pleaded; or reply any other Matter or Thing which may ſhew the Defendant not to be entitled to the Benefit of this Act, or not duly diſcharged according to it, in the ſame Manner as the Plaintiff might have reply'd, in Caſe the

Defendant had pleaded this Act, and his Discharge by Virtue of it specially; and if the Plaintiff be nonsuited, or discontinue his Action, or Verdict pass against him, or Judgment on Demurrer, the Defendant to have treble Costs.

XLIX. *Sect.* 22. This Act shall not extend to *Scotland*.

L. *Sect.* 23. Every Sheriff, Gaoler, *&c.* shall suffer any Person who desires it, to see and speak with, within the Lodge, or some convenient Room of the Prison, any Prisoners whose Names are inserted in the Lists, or *London Gazette*, or any Persons surrendring themselves, pursuant to this Act; and also to see in the genuine Books of the Prison the Entries made of the Names of such Prisoners; together with the Names of the Persons at whose Suits they are detained. And if any Sheriff, Gaoler, *&c.* shall refuse to comply with what is here above required, he shall forfeit to the Person so refused and aggrieved 40 *l.* over and above all other Penalties provided by any former Law now in Being, to be recovered with full Costs, by Action of Debt, *&c.* in any of the Courts at *Westminster*, wherein no Essoign, *&c.* or more than one Imparlance shall be allowed.

LI. *Sect* 24. If any Prisoner, being required by any Creditor, shall refuse to discover and declare the Trade or Occupation, and Habitation, or last Place of Abode of the Persons at whose Suit he is detained; or being called for, shall refuse to come to the Lodge of the Prison, he shall, on Proof thereof before the Justices at the Quarter-Sessions, be uncapable of receiving any Benefit by this Act.

LII. *Sect.* 25. If any Sheriff, Gaoler, *&c.* shall make, or cause to be made, any false Entries in any Book belonging to the Prison, or shall keep, or cause to be kept, any Books in Order for such false Entries, such Sheriff, *&c.* shall, over and above the Penalties which may be inflicted for Fraud, Forgery or Corruption, forfeit 1000 *l.* to be recovered, with treble Costs of Suit, in the Name of any Person who shall sue for the same by Action of Debt, *&c.* in any of the Courts of Record at *Westminster*, wherein no Essoign, *&c.* or more than one Imparlance shall be allowed.

LIII. *Sect.* 26. Every Prisoner petitioning to be discharged by this Act, shall leave with the Justice petitioned, a true Copy of the Schedule containing his intended Discovery to be sworn to at the Quarter-Sessions; which Copy shall be transmitted to the Clerk of the Peace, and there to be seen without Fee, by any Creditor desiring the same.

LIV. *Sect.* 27. Whereas there is but one Common or County Goal for each of the Counties of *York* and *Lincoln*, which are each of them divided into Three ſeveral Ridings or Diviſions, all which have ſeveral Commiſſions of the Peace; and if the Gaolers of thoſe Gaols be obliged to carry the Debtors, Priſoners therein, to the Quarter-Seſſions of each Riding, it would be a great Charge, not only to the Gaolers, but alſo to the Priſoners in thoſe large Counties: Therefore it is enacted, that it ſhall be lawful for Two or more Juſtices of the Peace for each of the ſaid Ridings, in their reſpective Counties, at the Common or County Gaol thereof, to meet and hold Seſſions there by Adjourment, from their reſpective Quarter-Seſſions, from Time to Time, for the Diſcharge of the Priſoners therein, according to the Powers, Limitations and Directions of this Act.

LV. *Sect.* 28. All Debtors who were in Priſon on the Twenty-ninth of *September*, 1728, in the ſeveral Gaols of this Kingdom, for want of paying their Fees, Rents, Charges, or any other Demands due to the Gaoler, or any other Officer, (and upon no other Account) ſhall be diſcharged upon taking the Oath required by this Act.

LVI. *Sect.* 29. This Act ſhall not extend to diſcharge any Priſoner who ſhall ſtand charged at the Suit of the Crown, or indebted to one Perſon in the Sum of 500 *l.* beſides Intereſt and Coſts; if any Creditor to whom 500 *l.* or more, ſhall be owing, ſhall oppoſe the Diſcharge of ſuch Priſoner, and ſhall inſiſt that he be continued in Gaol, then ſuch Creditor, ſo oppoſing the Priſoner's Diſcharge, ſhall at his proper Coſts and Charges, allow and pay ſuch a weekly Maintenance to the Priſoner, not exceeding 3 *s.* 6 *d.* *per* Week, as the Juſtices in Quarter-Seſſions ſhall order; and upon Non-payment of the ſame for the Space of Six Weeks, the Priſoner, upon Application to the ſaid Juſtices, ſhall be diſcharged.

LVII. *Sect.* 30. All Perſons intitled to the Benefit of this Act, ſhall obtain their reſpective Diſcharges on or before the Twenty-ninth of *September*, 1731, or be for ever excluded from all Benefit thereof.

LVIII. *Sect.* 31. If the Gaoler of any Priſon where any Priſoner was confined on the Twenty-ninth of *September*, 1728, ſhall make Affidavit of ſuch Confinement, and the Continuance thereof, 'till the Removal of the Priſoner by Proceſs of Law to ſome other Priſon, and ſhall tranſmit ſuch Affidavit, to be atteſted on Oath, at the Seſſions where ſuch Priſoner may claim to be diſcharged; and if the Gaoler of the Priſon where ſuch Priſoner ſhall have been ſo removed, ſhall make Oath in open Court, at ſuch Seſſions,

of the Confinement of ſuch Priſoner in the ſaid Priſon, from the Time of his being brought thither by ſuch Proceſs of Law, to the Time of the Seſſions when ſuch Priſoner may claim to be diſcharged, the Juſtices may, upon ſuch Oaths, and upon the Priſoner's performing all other Matters required by this Act, diſcharge him as effectually as if he had been confined in the ſame Priſon, ſuch Priſoner ſwearing to his Confinement in Two Priſons as aforeſaid.

LIX. *Sect.* 32. Perſons coming to the *Fleet* and *King's Bench*, either by *Habeas Corpus*, or voluntary Surrender in Diſcharge of Bail, and being duly qualified to take the Benefit of this Act, ſhall be diſcharged on taking the Oath preſcribed, omitting only the Words, *without my Conſent or Procurement*, and with Reſpect to their being Priſoners in either of the Priſons above-mentioned only.

LX. *Sect.* 33. Perſons intitled to the Benefit of this Act, who are ſeized of an Eſtate-Tail in any Lands, Tenements, or Hereditaments; which Intail, with the Remainders thereupon expectant, they have by Law Power to defeat and bar, and thereby ſuch Perſons Freehold or Copyhold Lands, *&c.* ſhould be liable to the Payment of their Debts, and be delivered up according to the Tenor of this Act, for the Benefit of their Creditors, ſhall be deemed in Law, and are hereby declared to be ſeized of ſuch Lands, *&c.* in Fee-ſimple, and the ſame ſhall be delivered up to the Creditors in the ſame Manner as if ſuch Perſons had levied a Fine, ſuffered a common Recovery, or made a Surrender thereof, and thereby had become ſeized in Fee-ſimple.

LXI. *Sect.* 34. The Aſſignees of the Eſtate and Effects of Priſoners who ſhall obtain their Diſcharge in Purſuance of this Act, or any other Perſons duly authorized by them for that Purpoſe, may apply to any Two or more Juſtices of the Peace for the County, *&c.* where ſuch Priſoner ſhall be then reſiding, thereby deſiring that the Priſoner may be farther examined as to Matters relating to his Eſtate and Effects; whereupon the Juſtices ſhall ſend for ſuch Priſoners, by ſuch Warrant, Summons, *&c.* as they ſhall think fit, and upon the Priſoner's Appearance ſhall examine him upon Oath, or otherwiſe, as to ſuch Things as the Aſſignees ſhall deſire, relating to the Eſtate and Effects of ſuch Priſoner; and if ſuch Priſoner (upon Payment, or Tender of Payment, of ſuch reaſonable Charges as the Juſtices ſhall judge ſufficient) ſhall neglect to appear, not having a lawful excuſe, to be allowed by the Juſtices; or being come before them, ſhall refuſe to be ſworn, or to anſwer ſuch Queſtions as the Juſtices ſhall put to him, relating to the Diſcovery of his Eſtate and Effects ſo veſted in the

the Clerk of the Peace, or in the Aſſignees; then the Juſtices, by Warrant under their Hands and Seals, may apprehend the Priſoner ſo offending, and commit him to the Common Gaol, there to remain without Bail or Mainprize, 'till he ſhall ſubmit to the Juſtices, and anſwer upon Oath, &c.

LXII. *Sect.* 35. Any Priſoner who hath been committed to the *Marſhalſea* Priſon, and County Gaol of *Surrey*, ſince the Twenty-ninth of *September*, 1728, and on or before the Twenty-fifth of *March*, 1729, for any Sum not exceeding 50 *l.* beſides Coſts of Suit, ſhall be intitled to the Benefit of this Act, and be diſcharged thereby: Provided he conform to the Directions therein preſcribed, except as to that Part of the Oath which relates to the Time of Impriſonment.

LXIII. *Sect.* 36. If it ſhall hereafter appear that the Diſcharge of any Priſoner, by Virtue of this Act, was fraudulently obtained, the ſame ſhall be void.

LXIV. *Sect.* 37. It ſhall be lawful for the reſpective Courts at *Weſtminſter*, from whence any Proceſs iſſued, upon which any ſuch Priſoner was committed, whoſe Eſtates are ſo aſſigned; or where the Proceſs iſſued out of any other Court, for the Judges of the Court of King's Bench, Common Pleas, and Exchequer, or any Two of them, upon the Petition of any Creditor complaining of any Inſufficiency, Fraud, Miſmanagement, or other Misbehaviour of any of the Aſſignees, to whom the Eſtate or Effects of the Priſoner ſhall be aſſigned by the Clerk of the Peace, upon hearing the Parties concerned therein, to make and give ſuch Orders and Directions, either for the Removal of the Aſſignees, and appointing new Aſſignees in their Place; or for the prudent and juſt Management of the Eſtate and Effects for the Benefit of the Creditors, as the ſaid Courts or Judges ſhall think fit. And in Caſe of the Removal of any Aſſignees, and the appointing of others in their Room, the Eſtate and Effects of ſuch Priſoners ſhall be from thence forth diveſted out of the Aſſignees ſo diſplaced, and be veſted in, and delivered over to the new Aſſignees in the ſame Manner, and for the ſame Ends and Purpoſes as the ſame were before veſted in the Aſſignees, as aforeſaid.

LXV. *Sect.* 38. In all Caſes where mutual Credit hath been given between any Priſoner to be diſcharged in Purſuance of this Act, and any other Perſon, or Body Politick or Corporation, before the Delivery of the Schedule, or Inventory of the Eſtate and Effects of ſuch Priſoner upon Oath as aforeſaid, the Aſſignees of ſuch Priſoner ſhall have Power on their Part, to ſtate and allow an Account between them,

them, and nothing more ſhall be deemed to be veſted in the Clerk of the Peace, or the Aſſignees, as the Eſtate or Effects of the Priſoner, than what ſhall appear to be due to him, for the Balance of ſuch Account, when truly ſtated.

Juries and Jurors.

I. *Stat.* 3 G. 2. *c.* 25. *Sect.* 1. After the Firſt Day of *September*, 1730, the Perſons required by the Statute 7 & 8 *W.* 3. *cap.* 32. *For the Eaſe of Jurors, and better regulating of Juries*, and by a Clauſe in the Act 3 & 4 *A. cap.* 18. *relating to the Return of Jurors*, to give in, or who are by Virtue of this Act to make up true Liſts in Writing, of the Names of Perſons qualified to ſerve on Juries, in Order to aſſiſt them to compleat ſuch Liſts, purſuant to the Intent of the ſaid Act, ſhall (on Requeſt to any Pariſh-Officer, who ſhall have in his Cuſtody any of the Rates for the Poor, or Land-Tax) have free Liberty to inſpect ſuch Rates, and take from thence the Names of ſuch Freeholders, Copyholders, or other Perſons qualified to ſerve on Juries, dwelling within their reſpective Pariſhes or Precincts, for which ſuch Liſt is to be given in and returned, purſuant to the ſaid Acts; and ſhall yearly, Twenty Days at leaſt before *Michaelmas*, upon Two or more *Sundays*, fix upon the Door of the Church, Chapel, or other Place of religious Worſhip within their ſeveral Precincts, an exact Liſt of all ſuch Perſons intended to be returned to the Quarter-Seſſions, as qualified to ſerve on Juries, purſuant to the Directions of the ſaid Act; and leave a Duplicate of ſuch Liſt with a Church-warden, Chapel-warden, or Overſeer of the Poor, to be peruſed by the Pariſhioners without Fee, to the End Notice may be given of Perſons ſo qualified who are omitted, or of Perſons inſerted by Miſtake, who ought to be omitted out of ſuch Liſts; and if any Perſon not qualified to ſerve on Juries, ſhall find his Name mentioned in ſuch Liſt, and the Perſon required to make ſuch Liſt, ſhall refuſe to omit him, or think it doubtful whether he ought to be omitted, the Juſtices, at their Quarter-Seſſions, to which the ſaid Liſts ſhall be returned, on Satisfaction from the Oath of the Party complaining, or other Proof that he is not qualified to ſerve on Juries, ſhall order his Name to be ſtruck out, or omitted in ſuch Liſt, when the ſame ſhall be entred in the Book to be kept by the Clerk of the Peace for that Purpoſe.

II. *Sect.* 2. If any Perſon, required by the ſaid Acts to return or give in, or by this Act to make up any ſuch Liſt,

or

or concerned therein, ſhall wilfully omit any Perſon whoſe Name ought to be inſerted, or inſert any who ought to be omitted; or ſhall take any Money or other Reward for omitting or inſerting any Perſon whatſoever, he ſhall, for every Perſon ſo omitted or inſerted, forfeit 20 *s.* for every ſuch Offence, on Conviction before One or more Juſtices of the County, *&c.* where the Offender ſhall dwell, on the Confeſſion of the Offender, or Proof by one or more credible Witneſſes on Oath; one Half to the Informer, the other Half to the Poor of the Pariſh, *&c.* for which the Liſt is returned; and if the Penalty ſhall not be paid within Five Days after Conviction, it ſhall be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant from one or more Juſtices, rendring the Overplus; and the Juſtices before whom ſuch Perſon ſhall be convicted, ſhall certify the ſame to the Juſtices at their next Quarter-Seſſions for the County in which the Perſon ſo omitted or inſerted ſhall dwell, which Juſtices ſhall direct the Clerk of the Peace to inſert or ſtrike out the Name of the Perſon who by the Certificate ſhall appear to have been omitted or inſerted in the Liſt, contrary to the Meaning of this Act; and Duplicates of the Liſts, when delivered at the Quarter-Seſſions, and entred in a Book, to be kept by the Clerk of the Peace for that Purpoſe, ſhall, during the Seſſions, or within Ten Days after, be tranſmitted by the Clerk of the Peace to the Sheriff of each County, or his Under-Sheriff, in Order for his returning Juries out of the ſaid Liſts; and the Sheriff or Under-Sheriff ſhall immediately take Care that the Names of the Perſons contained in ſuch Duplicates, ſhall be entred alphabetically, with their Additions and Places of Abode, in a Book to be kept by him for that Purpoſe; and every Clerk of the Peace neglecting his Duty therein, ſhall forfeit 20 *l.* to ſuch Perſon who ſhall inform or proſecute for the ſame, 'till the Party be convicted upon an Indictment before the Juſtices at their Quarter-Seſſions.

III. *Sect.* 3. If any Sheriff, Under-Sheriff, Bailiff, or other Officer to whom the Return of Juries ſhall belong, ſhall ſummon and return any Perſons to ſerve on any Jury in any Cauſe to be tried before the Juſtices of Aſſize, *Niſi Prius*, or Judges of the great Seſſions in *Wales*, or of the Seſſions for the Counties Palatine of *Lancaſter*, *Cheſter*, or *Durham*, whoſe Name is not inſerted in the Duplicates delivered or tranſmitted to him by the Clerk of the Peace; or if any Clerk of Aſſize, Judge's Aſſociate, or other Officer, ſhall Record the Appearance of any Perſon ſo ſummoned and returned, who did not really appear, then any Judge of Aſſize, *Niſi Prius*, *&c.* ſhall, upon Examination in a ſum-

ſummary Way, ſet ſuch Fines upon ſuch Sheriff, Under-Sheriff, &c. for every Perſon ſo ſummoned and returned, and for every Perſon whoſe Appearance ſhall be ſo falſly recorded as the ſaid Judge of Aſſize, &c. ſhall think meet, not exceeding 10 *l.* nor leſs than 40 *s.*

IV. *Sect.* 4. No Perſons ſhall be returned as Jurors to ſerve on Trials at any Aſſizes, or *Niſi Prius*, &c. who have ſerved within one Year before, in the County of *Rutland*, or Four Years in the County of *York*, or within Two Years in any other County, not being a County of a City or Town; and if any Sheriff ſhall wilfully tranſgreſs therein, any Judge of Aſſize, &c. is hereby required, on Examination and Proof of ſuch Offence, in a ſummary Way, to ſet a Fine upon every ſuch Offender as he ſhall think meet, not exceeding 5 *l.* for any one Offence.

V. *Sect.* 5. Every Sheriff, or other Officer, to whom the Return of *Juries* ſhall belong, ſhall regiſter in a Book to be kept for that Purpoſe, the Names of ſuch Perſons as ſhall be ſummoned, and ſhall ſerve as Jurors on Trials at any Aſſizes, &c. together with their Addition and Places of Abode, alphabetically, and alſo the Times of their Services; and every Perſon ſo ſummoned and returned, or ſerving, ſhall, upon Application to the Sheriff, or other Officer, have a Certificate, teſtifying his Attendance, or Service done, which Certificate the Sheriff, &c. is to give without Fee; and the Book ſhall be tranſmitted by the Sheriff, &c. to his Succeſſor.

VI. *Sect.* 6. No Sheriff, or other Officer or Perſon whatſoever, ſhall take any Money or other Reward, to excuſe any Perſon from ſerving, or being ſummoned to ſerve on Juries, or under that Colour or Pretence; and no Bailiff or other Officer, appointed by any Sheriff, or Under-Sheriff, to ſummon Juries, ſhall ſummon any Perſon to ſerve thereon, other than ſuch whoſe Name is ſpecified in a Mandate ſigned by the Sheriff, &c. And if any Sheriff, Bailiff, or other Officer, ſhall wilfully tranſgreſs in any of the ſaid Caſes, any Judge of Aſſize, &c. may, on Examination and Proof of ſuch Offence, in a ſummary Way, ſet a Fine on any Perſon ſo offending, as he ſhall think meet, not exceeding 10 *l.* according to the Nature of the Offence.

VII. *Sect.* 7. After the Firſt of *September*, 1730, it ſhall be ſufficient for any Conſtables, Tithingmen, or Headboroughs, after they have compleated the Liſts of Perſons qualified to ſerve on Juries for their reſpective Pariſhes or Precincts, according to the Manner directed by the Acts 7 & 8 *W.* 3. *c.* 32. and 3 & 4 *A. c.* 18. and by this preſent Act, to ſubſcribe the ſame in the Preſence of one or more Juſtices for each County, &c. and alſo at the ſame Time to

atteſt the Truth of ſuch Liſts, upon Oath, to the beſt of their Knowledge or Belief, which Oath ſuch Juſtices are to adminiſter; and the ſaid Liſts ſhall (being firſt ſigned by the Juſtices) be delivered by the Conſtables, &c. to the High Conſtables of the Hundreds or Diviſions whereto the ſame ſhall reſpectively belong, who are to deliver in ſuch Liſts to the Juſtices at their Quarter-Seſſions in open Court, atteſting at the ſame Time, upon Oath, the Receipt of ſuch Liſts from the Conſtables, &c. and that no Alteration hath been made ſince their Receipt thereof; and the Liſts ſo delivered in and atteſted, ſhall be deemed as effectual as if they had been delivered in by the Conſtables, &c. for their reſpective Pariſhes or Precincts.

VIII. *Sect.* 8. After the Twenty-fifth of *December*, 1730, every Sheriff, or other Officer, to whom the Return of the *Venire Facias Juratores*, or other Proceſs for the Trial of Cauſes before Juſtices of Aſſize or *Niſi Prius*, in any County in *England* ſhall belong, ſhall, upon the Return of every ſuch Writ of *Venire Facias* (unleſs in Cauſes intended to be tried at Bar, or in Caſes where a Special Jury ſhall be ſtruck by Rule of Court) annex a Panel to the Writ, containing the Chriſtian and Sur-names, Additions and Places of Abode, of a competent Number of Jurors, named in ſuch Liſts as qualified to ſerve on Juries, and the Names of the ſame Perſons to be inſerted in the Panel annexed to every *Venire Facias*, for the Trial of Iſſues at the ſame Aſſizes in each County; which Number of Jurors ſhall be not leſs than Forty-eight in each County, nor more than Seventy-two, without Direction of the Judges appointed to go the Circuit, and ſit as Judges of Aſſize, or *Niſi Prius*, in ſuch County, or one of them, who are hereby required, if they ſee Cauſe, by Order under their Hands, to direct a greater or leſſer Number; and then ſuch Number, as ſhall be ſo directed, ſhall be the Number to ſerve on ſuch Jury; and the Writs of *Habeas Corpora Juratorum*, or *Diſtringas*, ſubſequent to ſuch Writ of *Venire Facias Juratores*, need not have inſerted in the Bodies of ſuch Writs the Names of all the Perſons contained in ſuch Panel; but it ſhall be ſufficient to inſert in the mandatory Part of ſuch Writs, *Corpora ſeparalium Perſonarum in panello huic brevi annexo nominatarum*, or Words of the like Import, and to annex to ſuch Writs Panels containing the ſame Names as were returned in the Panel to the *Venire Facias*, with their Addition and Places of Abode, that the Parties concerned in any ſuch Trials may have timely Notice of the Jurors who are to ſerve at the next Aſſizes, in Order to make their Challenges to them, if they ſee Cauſe; and for making the ſaid Returns and Panels, and annexing the ſame to the reſpective Writs,

no

no other Fees ſhall be taken than what are now allowed by Law for the Return of the like Writs and Panels annexed to the ſame; and the Perſons named in ſuch Panels, ſhall be ſummoned to ſerve on Juries at the then next Aſſizes or Seſſions of *Niſi Prius* for the Counties to be named in ſuch Writs, and no other.

IX. *Sect.* 9. Every Sheriff, or other Officer, to whom the Return of Juries for the Trial of Cauſes in the Court of Grand Seſſions in any County of *Wales* ſhall belong, ſhall, at leaſt Eight Days before every Grand Seſſions, ſummon a competent Number of Perſons qualified to ſerve on Juries out of every Hundred and Commote within every ſuch County, ſo as ſuch Number be not leſs than Ten, or more than Fifteen, without the Direction of the Judge of the Grand Seſſions, held for ſuch County, who is hereby impowered, if he ſhall ſee Cauſe, by Rule of Court, to direct a greater or leſſer Number to be ſummoned out of every Hundred and Commote; and the Officer who ſhall ſummon ſuch Perſons, ſhall return a Liſt containing the Chriſtian and Surnames, Additions and Places of Abode of the Perſons ſo ſummoned to ſerve on Juries, the firſt Court of the ſecond Day of every Grand Seſſions; and the Perſons ſo ſummoned, or a competent Number of them, as the Judges of the Grand Seſſions ſhall direct, and no other, ſhall be named in every Panel to be annexed to every Writ of *Venire Facias Juratores*, *Habeas Corpora Juratorum*, and *Diſtringas*, that ſhall be iſſued out and returnable for the Trial of Cauſes in ſuch Grand Seſſions.

X. *Sect.* 10. Every Sheriff, or other Officer, to whom the Return of the *Venire Facias Juratores*, or other Proceſs for the Trial of Cauſes before the Juſtices of the Seſſions to be held for the Counties Palatine of *Cheſter*, *Lancaſter* or *Durham*, doth belong, ſhall, Fourteen Days at leaſt before the Seſſions ſhall be held, ſummon a competent Number of Perſons qualified to ſerve on Juries, ſo as ſuch Number be not leſs than Forty-eight, nor more than Seventy-two, without the Direction of the Judge of the Seſſions to be held for ſuch Counties Palatine; and ſhall, Eight Days at leaſt before ſuch Seſſions ſhall be held, make a Liſt of the Perſons ſo ſummoned, containing their Chriſtian and Surnames, Additions and Places of Abode; and ſuch Liſts ſhall forthwith be publickly hung up in the Sheriffs Office, to be inſpected by any Perſon; and the Perſons named in ſuch Liſts, and no others, ſhall be ſummoned to ſerve on Juries at the next Seſſions to be held for the reſpective Counties Palatine: And the Sheriff, or other Officer, is to return ſuch Liſt on the Firſt Day of the Seſſions to be held for the ſaid Counties Palatine reſpectively; and the Perſons ſo ſum-

ſummoned, or a competent Number of them, as the Judges of the Seſſions ſhall direct, and no other, ſhall be named in every Panel to be annexed to the Writ of *Venire Facias Juratores*, *Habeas Corpora Juratorum*, and *Diſtringas*, that ſhall be iſſued out and returnable for the Trial of Cauſes in ſuch Seſſions.

XI. *Sect.* 11. The Name of each Perſon ſummoned and impanelled, with his Addition and Place of Abode, ſhall be written in diſtinct Pieces of Parchment or Paper, of equal Size and Bigneſs, and ſhall be delivered to the Marſhal of the Judge of Aſſize, or *Niſi Prius*, &c. by the Under-Sheriff, or his Agent, and ſhall, by Direction and Care of the Marſhal, be rolled up all in the ſame Manner, and put into a Box or Glaſs; and when a Cauſe is brought to be tried, ſome indifferent Perſon, by the Court's Direction, ſhall, in open Court, draw out Twelve of the Parchments or Papers one after another; and if any of the Perſons drawn, ſhall not appear, or be challenged and ſet aſide, then a further Number, 'till Twelve be drawn, who ſhall appear, and the ſaid Twelve Perſons ſo firſt drawn, and appearing, and approved as indifferent, their Names being marked in the Panel, and they being ſworn, ſhall be the Jury to try the Cauſe; and the Names of the Perſons ſo drawn and ſworn, ſhall be kept apart in ſome other Box or Glaſs, 'till the Jury have given in their Verdict, and the ſame is recorded, or 'till the Jury, by Conſent of the Parties, or Leave of the Court, be diſcharged; and then the ſame Names ſhall be rolled up again and returned to the former Box or Glaſs, there to remain with the other Names remaining at that Time undrawn; and ſo *toties quoties*, as long as any Cauſe remains there to be tried.

XII. *Sect.* 12. If a Cauſe ſhall be brought on to be tried in any of the ſaid Courts, before the Jury in any other Cauſe, ſhall have brought in their Verdict, or be diſcharged, the Court may order Twelve of the Reſidue of the ſaid Parchments or Papers, not containing the Names of any of the Jurors who ſhall not have ſo brought in their Verdict, or been diſcharged, to be drawn in the Manner as before, for Trial of the Cauſe ſo brought to be tried.

XIII. *Sect.* 13. Every Perſon whoſe Name ſhall be drawn, and who ſhall not appear after being called Three Times, on Oath made that ſuch Perſon had been lawfully ſummoned, ſhall forfeit for every Default in not appearing upon Call, (unleſs ſome reaſonable Cauſe of Abſence be proved by Oath, to the Satisfaction of the Judge who is to try the Cauſe) ſuch Fine, not exceeding 5 *l.* nor leſs than 40 *s.* as the Judge ſhall think reaſonable to inflict.

XIV. *Sect.* 14. Where a View ſhall be allowed in any Cauſe, in ſuch Caſe ſix of the Jurors mentioned in the Panel, or more, who ſhall be mutually conſented to by the Parties, or their Agents, on both Sides; or, if they cannot agree, ſhall be named by the proper Officer of the Court of *King's Bench*, *Common Pleas*, *Exchequer*, at *Weſtminſter*, or the Great Seſſions in *Wales*, and the ſaid Counties Palatine, for the Cauſes in their reſpective Courts; or, if Need be, by a Judge of the reſpective Courts where the Cauſe is depending, or by the Judge before whom the Cauſe ſhall be brought on to Trial, ſhall have the View, and ſhall be firſt ſworn, or ſuch of them as appear on the Jury to try the Cauſe, before any Drawing; and ſo many only ſhall be drawn to be added to the Viewers who appear, as ſhall, after all Defaulters and Challenges allowed, make up the Number of Twelve to be ſworn for the Trial of the Cauſe.

XV. *Sect.* 15. His Majeſty's Courts of *King's Bench*, *Common Pleas*, and *Exchequer* at *Weſtminſter* reſpectively, upon Motion made in Behalf of his Majeſty, or on the Motion of any Proſecutor, or Defendant, in an Indictment or Information for any Miſdemeanor, or Information in the Nature of a *Quo Warranto*, depending or to be brought in the ſaid Court of *King's Bench*, or in an Information in the Court of *Exchequer*, or on Motion of any Plaintiff or Defendant in any Action, Cauſe, *&c.* depending or to be brought in the ſaid Court of *King's Bench*, *&c.* or in any of them; and the ſaid Courts are hereby reſpectively required in any of the Caſes before mentioned, to order a Jury to be ſtruck before the proper Officer of each Court, for the Trial of any Iſſue joined in any of the ſaid Caſes, and triable by a Jury of Twelve Men, in ſuch Manner as ſpecial Juries are uſually ſtruck in ſuch Courts, upon Trials at Bar, which Jury ſo ſtruck, ſhall be the Jury returned for Trial of the ſaid Iſſue.

XVI. *Sect.* 16. The Perſon who ſhall apply for ſuch Jury, ſhall pay the Fees for ſtriking it, and ſhall have no Allowance for the ſame on Taxation of Coſts.

XVII. *Sect.* 17. Where a ſpecial Jury ſhall be ordered by Rule of any of the ſaid Courts to be ſtruck by the proper Officer, in any Cauſe ariſing in a City, or County of a City or Town, the Sheriff or Under-Sheriff of ſuch City, *&c.* ſhall be ordered, by ſuch Rule, to bring the Books or Liſts of Perſons qualified to ſerve on Juries within the ſame, out of which Juries ought to be return'd by ſuch Sheriff, *&c.* in like Manner as the Freeholders Book hath been uſually ordered to be brought, in Order to the Striking of Juries for Trials at the Bar, in Cauſes ariſing in Counties

at large; and the Jury ſhall be ſtruck out of ſuch Books or Liſts.

XVIII. *Sect.* 18. Any Perſon having an Eſtate on Land in his own Right, of the yearly Value of 20 *l.* over and above the reſerved Rent payable thereout, being held by Leaſe for the abſolute Term of 500 Years, or more, or for Ninety-nine Years, or any other Term determinable on one or more Lives, the Name of every ſuch Perſon ſhall be inſerted in the Liſts, and in the Freeholders Book; and ſuch Leaſeholder may be ſummoned and impanelled to ſerve on Juries as Freeholders may, and be ſubject to the like Penalties for Nonappearance.

XIX. *Sect.* 19. The Sheriffs of *London* ſhall not impanel or return any Perſon to try any Iſſue joined in any of his Majeſty's Courts of *King's Bench*, *Common Pleas*, or *Exchequer*, or to ſerve on a Jury at the Seſſions of *Oyer and Terminer*, or Seſſions of the Peace to be held for the City of *London*, who ſhall not be an Houſe-keeper within the ſaid City, and have Lands, *&c.* or perſonal Eſtate to the Value of 100 *l.* and the ſame Cauſe alledged by Way of Challenge, and ſo found, ſhall be admitted as a Principal Challenge; and the Perſon ſo challenged, may be examined on Oath of the Truth of the Matter.

XX. *Sect.* 20. The Sheriffs, or other Officers, to whom the Returning of Juries ſhall belong, for any County, City, or Place, ſhall not return any Perſon to ſerve on a Jury for the Trial of any Capital Offence, who would not be qualify'd in ſuch County, *&c.* to ſerve as a Juror in Civil Cauſes; and the ſame Matter alledged by Way of Challenge, and ſo found, ſhall be admitted as a Principal Challenge; and the Perſon ſo challenged may be examined on Oath of the Truth of the Matter.

XXI. *Sect.* 21. This Act ſhall be openly read once in every Year, at the General Quarter-Seſſions to be held for every County, City, or Place within *England* and *Wales*, next after the Twenty-fourth of *June*.

XXII. *Sect.* 22. This Act ſhall continue in Force till the Firſt Day of *September*, 1723, and from thence to the End of the then next Seſſion of Parliament, and no longer.

Juſtices of the Peace.

I. *Stat.* 1 *G.* 2. *Seſſ.* 2. *c.* 23. *Sect.* 5. All Perſons who were Juſtices of the Peace at the Time of the Demiſe of his late Majeſty, and have been conſtituted Juſtices of the Peace by any Commiſſion granted by his preſent Majeſty before the Thirteenth of *February*, 1727, and have ſince the Eleventh of *June*, 1727, taken the Oath of Office of a Juſtice of the Peace before any Perſons duly authorized for that Purpoſe, or ſhall take ſuch Oath of Office before the Twenty-eight of *November*, 1728, ſhall be hereby fully indemnified and diſcharged againſt his Majeſty, and all other Perſons whatſoever, in Reſpect of all Acts or Things done by them as Juſtices of the Peace, notwithſtanding ſuch Oath of Office was not taken by them, within ſuch Time, as in Strictneſs of Law, was required; and all Acts and Things done by ſuch Perſons, or by Authority derived from them, ſhall be deemed to be of the ſame Force and Validity, as the ſame would have been, if ſuch Perſons had taken the Oath of Office within the Time by Law required.

II. *Sect.* 6. All Perſons who were Juſtices of the Peace at the Demiſe of the late King, and have been appointed Juſtices by any Commiſſion granted by his preſent Majeſty before the Thirteenth of *February*, 1727, and have ſince the Eleventh of *June*, 1727, taken and ſubſcribed the Oaths or the Aſſurance, appointed to be taken by the Act 1 *G.* 1. *c.* 13. or who have qualified themſelves according to the Act 25 *Car.* 2. *c.* 2. by receiving the Sacrament, and making and ſubſcribing the Declaration, in ſuch Caſes where the Sacrament ought to be taken, and the Declaration made and ſubſcribed, ſhall not be obliged to take and ſubſcribe the ſaid Oaths, *&c.* in Reſpect of their having been appointed Juſtices of the Peace by any ſuch Commiſſion granted as aforeſaid; and all Acts and Things done by ſuch Perſons, or by Authority derived from them, ſhall be deemed to be of the ſame Force and Effect, as the ſame would have been, if ſuch Perſons had taken and ſubſcribed ſuch Oaths, *&c.* within the Time required by any former Act of Parliament.

King and Queen.

I. Stat. 1 G. 2. *Seſſ.* 1. *cap.* 2. HIS Majeſty ſhall be capable of being and continuing Governor of the Company of Merchants of *Great Britain* trading to the *South-Seas*, *&c.* for ſuch Time as is preſcribed by their Charter for the Continuance of any Governor; and upon Addreſs to the King in a General Court of the Company, that his Majeſty would be graciouſly pleaſed to honour the Company with being their Governor, (in Caſe his Majeſty ſhall be pleaſed to accept of being their Governor) ſuch Addreſs ſhall be adjudged to be an Election of his Majeſty to be Governor of the ſaid Company, within the true Intent and Meaning of their Charter, without the Forms of balloting, or other Methods preſcribed by their Charter, for electing the Governor of the Company.

II. *Sect.* 2. The Oath preſcribed by the Charter, or any Law now in Force, and all other Acts, Matters and Things, neceſſary and requiſite to qualify a Subject of this Realm to be Governor of the Company, ſhall not be deemed to be neceſſary or requiſite for his Majeſty's Qualification in Reſpect of the ſaid Government; nor ſhall the Oaths be adminiſter'd to his Majeſty, who, in all Caſes, where any Vote is to be given, or Act done by him as Governor of the Company, may, if his Majeſty think fit, by any Warrant under his Royal Sign Manual, appoint the Sub-Governor, or Deputy-Governor of the Company, to vote or act for him, or on his Behalf.

III. Stat. 1 G. 2. *c.* 3. *Seſſ.* 1. It ſhall be lawful for the King's moſt Excellent Majeſty, by Letters Patent or Indentures, under the Great Seal of *Great Britain*, to give and grant to her Majeſty the Queen, or to ſuch Perſons as his Majeſty ſhall think fit to be named in ſuch Letters Patent, and their Heirs, to the Uſe of, or in Truſt for the Queen, one Annuity or yearly Rent or Sum of 100,000 *l.* which Annuity ſhall commence and take Effect immediately from and after the Demiſe of his Majeſty, and continue from thenceforth during the natural Life of her Majeſty, and ſhall be paid at the Four uſual Feaſts in the Year, by equal Portions, the firſt Payment to be made at ſuch of thoſe Feaſts, as ſhall happen next after the Demiſe of the King, if the Queen ſhall ſurvive him; and the ſaid Annuity ſhall, by ſuch Letters Patent, be directed to be iſſued and payable, or charged and chargeable upon all and every the Duties, Revenues, and Payments, ſettled by an Act of this

preſent Seſſion (1 G. 2. *Seſſ.* 1. *c.* 1. *which ſee in* Tit. Crown) *for the better Support of his Majeſty's Houſhold, and the Honour and Dignity of the Crown*, or any of them that ſhall be ſubſiſting after his Majeſty's Demiſe; or upon all and every the Duties and Revenues which compoſe *the Aggregate Fund*, and payable thereout, in the ſame Order, as the annual Sum of 120,000 *l.* by the laſt mentioned Act granted to his Majeſty for his Life, is payable, in ſuch Proportions as his Majeſty ſhall think fit to direct.

IV. *Sect.* 2. The ſaid Annuity of 100,000 *l.* ſhall be paid at the Receipt of the Exchequer, or by the immediate Hands of all and every the Commiſſioners, Farmers, Treaſurers or Receivers of the ſaid Revenues reſpectively without any Fees or Charges to be demanded or taken for paying the ſame; and the Acquittance of her Majeſty or her Truſtees, or of her Treaſurer or Receiver General, ſhall be a ſufficient Diſcharge for the Payment thereof, without any further or other Warrant to be had or obtained in that Behalf; and the ſaid Annuity, and every Part thereof, ſhall be free from all Taxes, or other publick Charges; and if the Officers of the Exchequer, or the ſaid Commiſſioners, *&c.* ſhall refuſe or neglect to pay the Annuity, or any Part thereof, to her Majeſty, her Treaſurer, *&c.* then her Majeſty, or her Truſtees, may ſue or implead ſuch Officers, *&c.* or their Securities, Heirs, Executors and Adminiſtrators, by Bill, Plaint, or Action of Debt, and ſhall recover Judgments, and ſue out Executions thereupon, againſt ſuch Officers, *&c.* their Securities, *&c.* for ſuch Sums of Money then due upon the Annuity, as ſhall be in the Hands of ſuch Officers, *&c.* at the Time when Demand ſhall be made of the Payment of the ſaid yearly Sum, or any Part thereof.

V. *Sect.* 3. The Grant made by his late Majeſty, in Purſuance of the Power given him by the Act 1 G. 1. *cap.* 22. (*For enabling his Majeſty to ſettle a Revenue for ſupporting the Dignity of her Royal Highneſs the Princeſs, in Caſe ſhe ſhall ſurvive his Royal Highneſs the Prince of* Wales) by Indenture under the Great Seal of *Great Britain*, bearing Date the Fifteenth of *December*, 1715, to her preſent Majeſty (then her Royal Highneſs the Princeſs of *Wales*) of the Palace called *Somerſet Houſe*, ſituate in the *Strand*, with all its Rights and Appurtenances, from and after the Deceaſe of his preſent Majeſty, (then his Royal Highneſs the Prince of *Wales*) during her natural Life, and for the Term of One Year, to commence and take Effect immediately after the Deceaſe of her Majeſty, in Caſe ſhe ſhould ſurvive her Royal Conſort, is hereby ratified and confirmed, and enacted to be good and effectual in Law, in all Things, according to the Tenour and Purport thereof.

VI.

VI. *Sect.* 4. For the better Accommodation of her Majeſty, in Caſe ſhe ſhall ſurvive his Majeſty, it ſhall be lawful for his Majeſty, notwithſtanding any Reſtriction contained in the Act 1 *A. c.* 2. *For enabling her Majeſty to ſettle a Revenue for ſupporting the Dignity of his Royal Highneſs Prince* George *Hereditary of* Denmark, *in Caſe he ſhall ſurvive her Majeſty*, (*which ſee in* Vol. II. Tit. King and Queen, Par. XXXVIII. *& ſeq.*) by Letters Patent or Indentures under the Great Seal of *Great Britain*, to give, grant, or aſſure, all that his Majeſty's Houſe, uſually called *the Lodge*, and formerly in the Tenure of *John Latton*, Eſq; ſituate in *Richmond Old Park*, in the County of *Surrey*, and all and ſingular the Cloſes, Wood-Grounds, Lands, Tenements, and Hereditaments thereunto belonging, or held with the ſaid Houſe, all which Premiſſes are Parcel of the Manor of *Richmond*, alias *Weſt-Sheen*, in the ſaid County, in as full, ample, and beneficial Manner and Form, as his Majeſty might have granted or aſſured the ſame, or any Part thereof, if the ſaid Act of 1 *A.* and the Reſtrictions and Clauſes therein contained, had never been made, ſo as by ſuch Gifts or Grants, a good and ſure Eſtate and Intereſt of and in the ſaid Lodge and other the Premiſſes, be limited, ſettled or aſſured to or for the Uſe of, or in Truſt for her Majeſty, in ſuch Manner that ſhe may have and enjoy the ſole Benefit thereof, immediately after the Deceaſe of his Majeſty, during the Term of her natural Life, and ſo as an Eſtate or Intereſt be thereby alſo limited, ſettled or aſſured to the Uſe of, or in Truſt for her Majeſty, her Executors, Adminiſtrators and Aſſigns, to take Effect from her Deceaſe, and to continue for One Year from thence next enſuing.

VII. *Sect.* 5. All the Powers, Precepts, Directions and Clauſes to be contained in his Majeſty's Letrers Patent, or Indentures, for the better and more certain Payment of the ſaid Annuity of 100,000 *l.* and for making the ſaid Revenues liable thereto, and for granting, conveying and aſſuring the ſaid Houſe or Lodge, Lands, *&c.* laſt mentioned, ſhall be good and effectual in the Law, according to the Tenour and Purport thereof in the ſaid Letters Patent or Indentures to be expreſſed, notwithſtanding any Reſtriction or other Matter or Thing contained in the ſaid Act 1 *A. c.* 2. or in the Act 9 *A. c.* 10. *For eſtabliſhing a General Poſt-Office*, *&c.* and any Miſrecital, Nonrecital, Omiſſion, or other Defect, in the ſaid Letters Patent or Indentures hereafter to be made, in any wiſe notwithſtanding.

VIII. *Sect.* 6. Saving to all Perſons, (other than the King, and ſuch other Perſons as may ſtand ſeized or poſſeſſed in Truſt for his Majeſty) all ſuch Rights, Titles, Intereſts, and Demands whatſoever, which they, or any of them, may

have, of, in, to, or out of the ſaid Revenues, or the ſaid Houſe or Lodge, and Premiſſes laſt mentioned, ſo to be granted, before the Making of this Act, as fully and effectually as if this Act had not been made.

IX. *Sect.* 7. After the Time that the Grant by this Act intended to be made for the Benefit of her Majeſty, of the ſaid Annuity of 100,000 *l.* ſhall be effectually made and paſſed, then the yearly Rent of 50,000 *l.* granted to her Majeſty (when Princeſs of *Wales*) in Caſe ſhe ſhould ſurvive his Majeſty (then Prince of *Wales*) by the late King, in Purſuance of the ſaid Act paſſed in the Firſt Year of his Reign, and all her Majeſty's Right thereto, after his preſent Majeſty's Demiſe, ſhall be veſted in the Crown, to the End the ſaid Annuity of 50,000 *l.* may be wholly merged and extinguiſhed.

X. Stat. 2 G. 2. *c.* 27. If at any Time hereafter his Majeſty ſhall be pleaſed to conſtitute his Royal Conſort the Queen to be Regent of this Kingdom during his Abſence, either by the Style of *Guardian of the Realm of* Great Britain, *and his Majeſty's Lieutenant within the ſame*, or by any other Style or Title whatſoever; in every ſuch Caſe her Majeſty ſhall, to all Intents and Purpoſes, be able and capable in Law to accept, hold, exerciſe and enjoy the ſaid Office, and effectually to do and perform all Acts, Matters and Things belonging thereunto, in ſuch Manner, and for ſuch Time, as his Majeſty, by any Letters Patent, under the Great Seal of *Great Britain*, ſhall from Time to Time direct and order, without taking, making or ſubſcribing any Oath or Declaration, or doing any Act whatſoever, required by the Laws and Statutes of this Realm, to qualify any other Perſon to accept, hold, exerciſe, or enjoy the ſaid Office.

Lighthouſes.

I. Stat. 3 G. 2. *c.* 36. *Sect.* 1. ALL the Powers, Liberties, Privileges, Authorities and Duties, granted in the Letters Patent of her late Majeſty Queen *Anne*, bearing Date at *Weſtminſter* the Thirteenth Day of *July* in the Thirteenth Year of her Reign, to *William Trench*, Eſq; deceas'd, for erecting a Lighthouſe on the Iſland or Rock called *Skerries*, lying in the Sea near *Holyhead* in the County of *Angleſea*; and the ſaid Lighthouſe, and all other Rights, Members and Appurtenances therewith enjoyed, ſhall be firm, valid, and effectual, and ſhall have Continuance from

and

and after the Expiration of the Term of Sixty Years (thereby granted to the ſaid *William Trench*, his Executors, &c.) for ever; ſubject to the Proviſo as to the Maintaining of the ſaid Lighthouſe in the Letters Patent contained, and to the Truſts herein after mentioned, and ſhall be abſolutely veſted in *Sutton Morgan*, Clerk, Maſter of Arts, who marry'd *Anne*, the only ſurviving Child of the ſaid *William Trench*, his Heirs and Aſſigns.

II. *Sect.* 2. After the Twenty-fourth of *June*, 1730, the ſaid *Sutton Morgan*, his Heirs and Aſſigns, may demand and receive of and from the Maſters and Owners of every Ship, Hoy, Bark, Crayer, Catch, Veſſel or Bottom, paſſing, croſſing, or ſailing in or thro' St. *George*'s Chanel, by *Holyhead* or *Wicklow*, to or from any Foreign Port or Place, or which ſhall paſs or croſs the ſaid Chanel, to or from any Port, Creek, or Place in *Great Britain* Southward of *Holyhead* from or to *Wicklow*, or any Port, Creek, or Place Northward thereof in the Kingdom of *Ireland*, or that ſhall paſs, croſs, or ſail from any Port, Creek or Place Northward of *Holyhead*, either from any Foreign or other Port, and ſail between *Holyhead* and the *Calf of Man*, or any Way in St. *George*'s Chanel, to the Southward of *Dublin*, and likewiſe from all Coaſters paſſing to or from any Port, Creek, or Place in *Great Britain*, North of *Holyhead*, from or to any Port, &c. South thereof, 1 *d. per* Tun, coming into, and the like Sum *per* Tun, going out of the ſaid Ports, Places, Creeks or Harbours, in *Great Britain* or *Ireland*, and double ſuch Duties for any Foreign Ship, &c. paſſing, croſſing or ſailing in the like Manner, according to their reſpective Burdens.

III. *Sect.* 3. Ships loaded with Coals in *Great Britain*, nor of *Liverpoole* for *Ireland*, or the greateſt Part of their Loading being Coals, and paſſing from *Great Britain* to *Ireland*, ſhall only pay one Voyage in every Year, notwithſtanding they make ſeveral Voyages in the Year, the ſame to be paid the firſt Voyage yearly after the Twenty-fourth of *June*, 1730, before clearing out of the Cuſtom-houſes, either in *Great Britain* or *Ireland*, all which Duties ſhall be levied by the ſame Means and Methods as by the ſaid Letters Patent, or herein after are preſcribed.

IV. *Sect.* 4. In Conſideration of the frequent and conſtant Benefit the Pacquet-Boats ſailing between *Holyhead* and *Dublin* receive by the ſaid Lighthouſe, the Poſtmaſter General, or the Commiſſioners for executing that Office, ſhall, from the Twenty-fourth of *June*, 1730, pay to the ſaid *Sutton Morgan* the annual Sum of 50 *l.* without any Office-Fees, Deductions or Poundage, payable quarterly.

V. *Sect.* 5. If any Maſter or other Perſons having the Command of any Ship, *&c.* ſhall refuſe to pay the Duties, it ſhall be lawful for the ſaid *Sutton Morgan*, his Heirs, *&c.* to ſeize any of the Goods, Guns, Tackle, *&c.* of any Maſter or Owner of ſuch Ship, *&c.* and to keep the ſame till the Duties are paid; and in Caſe of any Delay in Payment for the Space of Three Days after ſuch Seizing, the ſaid *Sutton Morgan*, *&c.* may cauſe the ſame to be appraiſed by Two ſworn Appraiſers, and afterwards ſell the Goods, and therewith ſatisfy himſelf for the Duties, together with the Charge of Seizing, *&c.* rendring the Overplus to the Owner.

VI. *Sect.* 6. Nothing herein ſhall extend to charge any of his Majeſty's Ships of War, with the Duties.

VII. *Sect.* 7. *Sutton Morgan*, *&c.* ſhall be freed from the Payment of 5*l. per Annum* Quit-Rent, ſaved and reſerved to the Crown out of the Duties ariſing by the Letters Patents, and from all Forfeitures for Non-payment of Rent, and from all Accounts to be given of the Profits of the Duties, and from all Arrears of ſuch Quit-Rent.

VIII. *Sect.* 8. If any Suit be commenced againſt any Perſon for any Thing done in Purſuance of this Act, the Action ſhall be laid in the reſpective County, whether in *Great Britain* or *Ireland*, where ſuch Act was done; and the Defendant in ſuch Action may plead the General Iſſue, *&c.* and on a Verdict, *&c.* ſhall recover full Coſts.

IX. *Sect.* 9. The ſaid Lighthouſe is hereby veſted in the ſaid *Sutton Morgan*, his Heirs, *&c.* to the Intent that he and they ſhall keep and maintain the Lighthouſe in good Repair; and in the Night-Seaſon maintain a proper Fire therein, ſo as the Trade and Navigation in the Chanel may be effectually preſerved; and after all juſt and reaſonable Charges in ſupporting the Lighthouſe, and the Fire to be kept therein, and other Charges incident thereto, he may retain out of the Duties all ſuch Money as he ſhall expend in obtaining of this Act; and after the Payment thereof, the Duties ſhall ſtand ſubject to all ſuch Debts as were owing from the ſaid *William Trench* at the Time of his Death, and alſo liable to the Debts of *Ruth Trench*, Widow of the ſaid *William*, and ſole acting Executrix of his Will, after the Debts of the ſaid *William Trench* are ſatisfied.

X. *Sect.* 10. *Sutton Morgan*, his Heirs and Aſſigns, are hereby declared to have full Authority, at any Time hereafter, by Indenture of Mortgage, or other Act or Deed, under his or their Hands and Seals, to borrow any Sum of Money, on the Security and Credit of the Duties hereby granted, as to him or them ſhall ſeem convenient, to pay off

off the Debts and Legacies of the ſaid *William* and *Ruth Trench*, and to anſwer all his or their future Occaſions and Purpoſes.

XI. *Sect.* 11. Nothing in this Act ſhall extend to deprive *John Robinſon*, of *Gwerſylt* in the County of *Denbigh*, Eſq; his Heirs or Aſſigns, or any other Perſons, of any Right or Title, which they ought to have to the Iſland or Rock called *Skerries*, or any Part thereof, or to any Rent payable to them in Reſpect of the ſame, or to any Arrears of ſuch Rent; but he and they ſhall have and enjoy the ſaid Rock and Iſland, and all Powers and Privileges thereto belonging, which they might or could have had and enjoyed, if this Act had not been made.

XII. *Sect.* 12. This Act ſhall be deemed in all Courts of Law or Equity within the Kingdoms of *Great Britain* and *Ireland*, as a Publick Act, and all Judges and Juſtices of ſuch Courts are to take Notice of it as ſuch without ſpecial Pleading.

Lignum vitæ.

I. Stat. 1 *G.* 2. *Seſſ.* 2. *c.* 17. *Sect.* 6. *Lignum vitæ* of the Growth or Product of the *Britiſh* Plantations in *America*, imported on the Conditions mentioned in the Act of 8 *Geo.* 1. *c.* 12. *For giving further Encouragement for the Importation of Naval Stores*, &c. ſhall, after the Twenty-fourth of *June*, 1728, during the remaining Term of the Twenty-one Years mentioned in the ſaid Act, be free from all Cuſtoms and Impoſitions whatſoever, granted to his Majeſty, as if the ſame had been mentioned in the Body of the ſaid Act.

II. *Sect.* 7. And whereas ſeveral Bonds and Depoſits have been taken for anſwering the Duties demanded for *Lignum vitæ* of the Growth of the *Britiſh* Plantations in *America*, the ſaid Bonds are hereby declared void, and the Depoſits ſhall be deliver'd up.

London, Weſtminſter, and Bills of Mortality.

I. Stat. 11 *G.* 1. *c.* 18. *Sect.* 1. At all Times, after the Firſt Day of *June*, 1725, upon every Election of Citizens to ſerve in Parliament for the City of *London*, and upon all Elections of Mayors, Sheriffs, Chamberlains, Bridgemaſters, Auditors of Chamberlains and Bridgemaſters Accounts, and all other Officers to be choſen in and for the ſaid City by the

the Liverymen thereof, and upon all Elections of Aldermen and Common-Council Men choſen at the Wardmotes of the ſaid City, the preſiding Officers ſhall, in Caſe a Poll be demanded by any of the Candidates, or Two or more of the Electors, appoint a convenient Number of Clerks to take the ſame; which Clerks ſhall take the Poll in the Preſence of the preſiding Officer, and be ſworn by him truly and indifferently to take the ſame, and to ſet down the Name of each Voter, and the Place of his Abode, and for whom he ſhall poll, and to poll no Perſon who ſhall not be ſworn, or being a Quaker, ſhall not affirm according to the Directions of this Act: And every Perſon, before he is admitted to poll at any Elections of Citizens to ſerve in Parliament, or of any Officers uſually choſen by the Liverymen of the City, ſhall take the following Oath, or being a Quaker, ſhall ſolemnly affirm the Effect thereof: That is to ſay;

You do ſwear, That you are a Freeman of London, *and a Liveryman of the Company of and have been ſo for the Space of Twelve Kalendar Months, and that the Place of your Abode is at in and that you have not polled at this Election.*

So help you God.

And at the Election of any Alderman or Common-Council Man, no Perſon ſhall be admitted to poll before he hath taken the Oath following, or being a Quaker, hath ſolemnly affirmed the Effect thereof, *viz.*

You do ſwear, That you are a Freeman of London, *and an Houſholder in the Ward of and have not polled at this Election.*

So help you God.

And if any Perſon ſhall refuſe to take the Oaths hereby appointed, or being a Quaker, to make ſuch ſolemn Affirmation, his Poll or Vote ſhall be, and is hereby declared null and void, and as ſuch ſhall be rejected and diſallowed.

II. *Sect.* 2. After the ſaid Firſt of *June*, 1725, all Perſons, having a Right to vote or poll at ſuch Elections, ſhall, before they are admitted to vote or poll, (if required by any of the Candidates, or any Two or more of the Electors), firſt take the Oaths in the Act of 1 *G.* 1. *c.* 13. *For the further Security of his Majeſty's Perſon and Government*, &c. or being a Quaker, ſhall, if ſo required, ſolemnly affirm the Effect thereof; and if any Perſon, being required thereto, ſhall refuſe to take the ſaid Oaths, or to affirm the Effect thereof,

thereof, his Poll or Vote ſhall be null and void, and as ſuch ſhall be rejected and diſallowed: And the preſiding Officers at ſuch Elections, and ſuch ſworn Clerks, as ſhall be by them appointed, are hereby impowered to adminiſter the above-mentioned Oaths and Affirmations; and if ſuch preſiding Officer or ſworn Clerk neglect or refuſe ſo to do, or ſhall otherwiſe offend in the Premiſſes, contrary to the Meaning of this Act, he ſhall for every Offence forfeit 60 *l.* beſides Coſts of Suit.

III. *Sect.* 3. If any Perſon ſhall wilfully, falſly and corruptly take the ſaid Oaths or Affirmations, by this Act appointed, or either of them, and be thereof lawfully convicted by Indictment or Information; or if any Perſon ſhall corruptly procure or ſuborn any other Perſon to take the ſame, or either of them, whereby he ſhall wilfully or falſly take the ſaid Oaths or Affirmations, or either of them; and the Perſon ſo procuring or ſuborning ſhall be thereof convicted by Indictment, &c. the Offender, for every ſuch Offence, ſhall ſuffer ſuch Penalties, Forfeitures, and Diſabilities, as Perſons convicted of wilful and corrupt Perjury, at the Common Law are liable unto.

IV. *Sect.* 4. If a Poll ſhall be demanded at any of the before mentioned Elections, the preſiding Officer ſhall begin the Poll the Day it ſhall be demanded, or the next Day at fartheſt, unleſs it happen on a Sunday, and then on the Day next after, and ſhall duly proceed therein from Day to Day (Sundays excepted) until ſuch Poll be finiſhed; and ſhall finiſh the Poll at Elections by Liverymen within Seven Days, excluſive of Sundays; and the Poll at the Wardmote within Three Days excluſive of Sundays, after the commencing the ſame reſpectively; and ſhall, upon adjourning the Poll on each Day, ſeal up the Books with the Seals, and in the Preſence of ſuch of the Candidates or Perſons deputed by them, as ſhall deſire the ſame; and the Poll-Books ſhall not be opened again but at the Time and Place of meeting, in Purſuance of ſuch Adjournment; and after the Poll is finiſhed, the Poll-Books being ſealed as aforeſaid, ſhall within Two Days after be publickly opened at the Place of Election, and truly caſt up; and within Two Days after ſuch caſting up, the Numbers of the Votes for each Candidate ſhall be truly, fairly and publickly declared to the Electors, at the Place of Election, by the preſiding Officers; and if a Scrutiny be demanded, it ſhall be granted and proceeded upon, and the Candidates ſhall immediately nominate to the preſiding Officers, any Number of Perſons qualified to vote at ſuch Election, not exceeding Six, to be Scrutineers on Behalf of the Candidates, on each Side, to whom the preſiding Officers ſhall, within Six Days

next after ſuch Scrutiny ſhall be demanded, upon Requeſt and at the Charge of the Candidates, or any the Scrutineers on their Behalf, deliver a true Copy, ſigned by ſuch Officers, of the Poll taken at ſuch Election; and all the Scrutinies to be taken upon any Election to be made by the Livery-Men of the City, ſhall begin within Ten Days after the Delivery of the Copies of the Polls, and proceeded upon Day by Day (Sundays excepted) and ſhall be finiſhed within Fifteen Days after the Commencement of the Scrutiny; and thereupon the preſiding Officers ſhall, within Four Days after the finiſhing ſuch Scrutiny, publickly declare at the Place of ſuch Election, which of the Candidates is duly elected, and the Number of legal Votes for each Candidate upon ſuch Scrutiny: And on the Election of any Officers at the Wardmotes of the City, if a Scrutiny be demanded, the Candidates, or Scrutineers nominated on their Behalfs, ſhall, within Ten Days next after the Receipt of the Copies of the Poll taken at ſuch Election, deliver to the preſiding Officer the Names in Writing of the Perſons who have polled in the ſaid Election, againſt whoſe Votes they ſhall object, with the particular Objections againſt each Name; and the preſiding Officer ſhall thereupon, within Three Days then next following, at the Requeſt and Charges of any Candidate, or the Scrutineers named on his Behalf, deliver to him or them true Copies (ſigned as aforeſaid) of the Paper containing ſuch Names and Objections, and, within Ten Days then next following (excluſive of Sundays) after having fully heard ſuch of the Candidates as ſhall deſire it, or ſome Perſons appointed by them, touching ſuch Objections, ſhall, at the Place of Election, publickly declare which of the ſaid Candidates are duly elected, and the Number of legal Votes appearing to him on ſuch Scrutiny; and if the preſiding Officer, or any other Perſon ſhall offend in the Premiſſes, ſuch Offender ſhall forfeit for every Offence 200 *l.* with full Coſts of Suit, over and above all other Penalties and Forfeitures inflicted by other Acts.

V. *Sect.* 5. After any Election made, and Scrutiny taken, the preſiding Officer ſhall deliver under his Hand a true Liſt of the Voters by him diſallowed upon ſuch Scrutiny, to any of the Candidates, who, upon the final Declaration of the Election, ſhall demand the ſame, within Six Days after ſuch Demand made, ſuch Candidate paying for the ſame: Provided, that no ſuch Liſt, nor any Thing therein contained, ſhall be admitted to be given in Evidence on any Action or Occaſion whatſoever.

VI. *Sect.* 6. The Mayor of *London*, on Requeſt to him made by any Candidates, or their Agents, at any Election of Citizens to ſerve in Parliament, or of a Mayor, or other Officer

ficer to be choſen by the Liverymen, where a Scrutiny is granted, ſhall iſſue his Precepts, requiring the Maſters and Wardens of the Livery-Companies of the City, to cauſe their Clerks forthwith to return to him Two true Liſts of all the Liverymen of their reſpective Companies; and the Clerks ſhall return ſuch Liſts upon Oath within Three Days after the Receipt of ſuch Precepts, one of which Liſts the Mayor ſhall deliver to the Candidates on each Side, or to their Agents.

VII. *Sect.* 7. After the Firſt of *June*, 1725, the Right of Election of Aldermen and Common-Council Men for the ſeveral Wards of the City ſhall belong and appertain to Freemen of the ſaid City of *London*, being Houſholders, paying Scot, and bearing Lot, when required, in their reſpective Wards, and to none other whatſoever.

VIII. *Sect.* 8. Provided, that the Houſes of ſuch Houſeholders be reſpectively of the real Value of Ten Pounds a Year at leaſt, and that ſuch Houſholders be the ſole Occupiers of ſuch Houſe, and have been actually in the Poſſeſſion of a Houſe of ſuch Value, in the Ward where the Election is made, by the Space of Twelve Kalendar Months next before ſuch Election.

IX. *Sect.* 9. For the better aſcertaining what are the Rates and Taxes, to which ſuch Houſholders ought to contribute and pay their Scot, the ſame are hereby declared and enacted to be a Rate to the Church, to the Poor, to the Scavenger, to the Orphans, and to the Rates in Lieu of or for the Watch and Ward, and to ſuch other annual Rates, as the Citizens of *London* inhabiting there, ſhall hereafter be liable to, except the annual Aids granted by Parliament; and if ſuch Houſholder ſhall have paid his Scot to all the ſaid Rates or Taxes, or Thirty Shillings a Year to all or ſome of them, he ſhall be deemed a Perſon paying of Scot.

X. *Sect.* 10. Provided that ſuch Houſholder ſhall have paid his Scot to all the ſaid Rates, or Thirty Shillings a Year in the whole within the Space aforeſaid: And if any Two or more Partners carry on a Joint-Trade in any ſuch Houſe, and ſhall have been Houſholders of ſuch Houſe by ſuch Space of Time as aforeſaid, ſuch Partners ſhall, paying their Scot, and bearing their Lots, have Votes at ſuch Elections; ſo as the Houſe wherein they carry on their Trade, be of the real Value of as many Sums of Ten Pounds a Year, computed together, as there are Partners.

XI. *Sect.* 11. Provided alſo, that where Two Perſons, and no more, not being Partners, ſhall have, by the Space aforeſaid, ſeverally inhabited in the ſame Houſe, ſuch Two Perſons paying their Scots, and bearing their reſpective Lots, ſhall have Votes at the ſaid Elections; ſo as the Houſe where-

in

in they inhabit, be of the real yearly Value of 20 *l.* or upwards, and that each of them pay the yearly Rent of 10 *l.* at leaſt, for his Part of the ſaid Houſe.

XII. *Sect.* 12. This Act ſhall not extend to oblige any Perſons to pay any Scot, or bear any Lot, from the doing of which they are exempted by Act of Parliament, Charter, or Writ of Privilege; but ſuch Perſons may vote at any Election of an Alderman, Common-Council Man, or other Officer, uſually choſen at the Wardmotes of the City, notwithſtanding they have not born ſuch Lot, or paid ſuch Scot.

XIII. *Sect.* 13. It ſhall be lawful for all Perſons who ſhall be aggrieved by any of the Aſſeſſments that ſhall be made for the City, towards Payment of the Rate for the Orphans, or for keeping Watch and Ward, or by Breach or Neglect of Duty committed by any Officer concerning the ſame, to appeal to the Mayor and Court of Aldermen. And Perſons aggrieved by any Rate or Aſſeſſment that ſhall be made in or for the City, or any the Wards, Precincts, Pariſhes or Inhabitants of the ſame, or by any Breach or Neglect of Duty committed by any Officer relating thereto, may appeal to the proper Perſons to whom by Law ſuch Appeal lies; and the ſaid Mayor and Court of Aldermen, and the ſaid other Perſons to whom ſuch Appeal ſhall be lawfully made reſpectively, ſhall hear and finally determine the Matter, and correct and ſettle the ſame Rates.

XIV. *Sect.* 14. No Perſon ſhall, after the ſaid Firſt Day of *June*, 1725, have any Right or Title to vote at any Election of a Citizen to ſerve in Parliament for the ſaid City, or of any Mayor or other Officer to be choſen by the Liverymen thereof, who have not been upon the Livery by the Space of Twelve Kalendar Months before ſuch Election, and who ſhall not have paid their Livery Fines, or who having paid them, ſhall have received ſuch Fines back again in Part, or in all, or ſhall have had any Allowance in Reſpect thereof. And no Perſon ſhall have a Right to vote at ſuch Election of a Citizen to ſerve in Parliament, or of any Mayor, Alderman, or other Officer of the ſaid City, or any the Wards or Precincts thereof, who have within Two Years next before ſuch Election, requeſted to be, and accordingly have been diſcharged from paying to the Rates and Taxes, to which the Citizens of *London*, inhabiting therein, are or ſhall be liable, or have within that Time received any Alms whatſoever; and the Vote of every ſuch Perſon ſhall be void.

XV. *Sect.* 15. No Act, Order, or Ordnance whatſoever, ſhall be made or paſſed in the Common Council of the ſaid City, without the Aſſent of the Mayor and Aldermen preſent,

ſent, or the major Part of them, nor without the Aſſent of the Commons preſent at ſuch Common Council, or the major Part of them.

XVI. *Sect.* 16. But nothing in this Act ſhall extend to any Election, Nomination or Appointment in Common Council, of any Common Serjeant, Town-Clerk, Judges of the Sheriffs Court, Coroner, Common Cryer, Commiſſioners of Sewers, Garbler, and the Governor and Aſſiſtants of *London*, of the new Plantation of *Ulſter* in *Ireland*; but the Election, Nomination or Appointment of all or any the ſaid Officers ſhall be made by the Mayor, Aldermen, and Commons in Common Council aſſembled, or the major Part of them.

XVII. *Sect.* 17. It ſhall be lawful for all Perſons who, at any Time after the Firſt of *June*, 1725, ſhall be made, or become free of the ſaid City, and alſo for all who are already free thereof, and at that Day ſhall be unmarried, and not have Iſſue by any former Marriage, to give, deviſe by Will, and diſpoſe of his Perſonal Eſtate, to ſuch Perſons, and to ſuch Uſes, as they ſhall think fit; any Cuſtom or Uſage of the ſaid City, or any By-Law or Ordinance to the contrary, in any wiſe notwithſtanding.

XVIII. *Sect.* 18. If any Perſon who ſhall become free of the ſaid City after the Firſt of *June*, 1725, and any Perſons who are already free thereof, and on the ſaid Firſt Day of *June*, ſhall be unmarried, and not have Iſſue by any former Marriage, hath agreed, or ſhall agree by any Writing under his Hand, in Conſideration of his Marriage, or otherwiſe, that his perſonal Eſtate ſhall be ſubject to, and be diſtributed according to the Cuſtom of the ſaid City; or in Caſe any Perſon ſo free, or becoming free as aforeſaid, ſhall die inteſtate, in every ſuch Caſe, his perſonal Eſtate ſhall be ſubject to, and be diſtributed and diſtributable according to the Cuſtom of the City.

XIX. *Sect.* 19. After the ſaid Firſt Day of *June*, 1725, there ſhall be omitted out of the Oath of a Freeman of the ſaid City, the Words following, *viz.* [*Ye ſhall know no Foreigner to buy or ſell any Merchandize with any other Foreigner within the City, or the Franchiſe thereof; but ye ſhall warn the Chamberlain thereof, or ſome Miniſter of the Chamber*] and alſo the Words following, *viz.* [*Ye ſhall implead or ſue no Freeman out of the City, whilſt ye may have Right and Law within the ſaid City*] and after theſe Words, [*Ye ſhall take no Apprentice*] the Words immediately following ſhall alſo be omitted, that is to ſay [*but if he be Freeborn, that is to ſay, no Bondſman's Son, nor the Child of any Alien*] and for [*no*] and inſtead thereof theſe Words [*for any*] ſhall be inſerted in the ſaid Oath.

XX. *Sect.* 20. All the Forfeitures hereby enacted, ſhall be diſtributed as follows, *viz.* one Third to the King; one other Third

Third to the Chamberlain, for the Uſe of the Mayor, Commonalty, and Citizens of the ſaid City; and the remaining Third to the Proſecutor who will ſue for the ſame within Six Kalendar Months next after the ſame ſhall be incurred, to be recovered by Action of Debt, &c. in any of his Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, &c. ſhall be allowed, no more than one Imparlance.

XXI. *Sect.* 21. This Act ſhall in all Courts and Places be deemed to be a publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices and Courts whatſoever, without ſpecially pleading the ſame.

XXII. Stat. 12 *Geo.* 1. *c.* 25. *Sect.* 1. The moſt Noble *Thomas* Duke of *Norfolk*, Earl Marſhal, *Charles* Duke of *Cleveland*, *Henry* Duke of *Kent*, and *James* Duke of *Chandos*, the Right Honourable *Thomas* Earl of *Pembroke*, *Henry* Earl of *Lincoln*, *Henry* Earl of *Clarendon*, *David* Earl of *Portmore*, *Thomas* Earl of *Strafford*, *Charles* Earl of *Tankerville*, and *John* Earl of *Briſtol*, the Right Honourable *Algernoon* Earl of *Montrath*, and *Henry* Lord Viſcount *Palmerſton*, both in the Kingdom of *Ireland*, the Right Honorable Sir *Spencer Compton*, Knight of the *Bath*, Sir *Matthew Decker*, Baronet, *Thomas Scawen*, *Samuel Trotman*, and *George Clarges*, Eſquires, ſhall be Truſtees for putting this Act in Execution, and they, or any Three or more of them, ſhall have Power, and are hereby authorized to clean, repair, or otherwiſe adorn and beautify St. *James's Square*, and to continue the ſame cleaned, repaired, &c. in ſuch Manner as they ſhall think fit, ſo as the doing and finiſhing the ſame, and the continuing the ſame in Repair, when finiſhed, do not exceed ſuch Rates as for that Purpoſe are herein after appointed.

XXIII. *Sect.* 2. It ſhall be lawful for the Truſtees, or any Three or more of them, to cauſe to be dug and carry'd away, all ſuch Soil and Earth within the ſaid Square, and to bring in ſuch Gravel, Stone, and other Materials, and to employ ſuch Artificers, Workmen, Labourers, and Carters, and ſuch Collectors, Superviſors, Receivers, and others, and to iſſue ſuch Money on thoſe Accounts, and to do all other Acts and Things, as they ſhall judge neceſſary or conducive to the accompliſhing the ſaid Deſign; and not only to remove, but to prevent all Annoyances by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, laid upon the ſaid Square, as alſo to pull down and remove all Incroachments that are or ſhall be made on the ſame; and to iſſue to that Purpoſe a Precept to the Sheriff, who is hereby required to execute the ſame: And if any Perſon ſhall, after the Firſt of *May*, 1726, in any wiſe annoy the ſaid Square by Filth, Aſhes, &c. every ſuch Offender, being thereof convicted on Oath before one Juſtice

Juſtice of the Peace for the City or Liberties of *Weſtminſter*, ſhall, for every Offence, forfeit to the Truſtees 20 *s.* to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the ſaid Juſtice, returning the Overplus; and if any Perſon ſhall, after the ſaid Firſt of *May*, make or continue any Incroachment on the ſaid Square, he ſhall, being convicted in Manner aforeſaid, forfeit to the Truſtees 50 *l.* to be levied by ſuch Warrant, as aforeſaid, rendring the Overplus.

XXIV. *Sect.* 3. No Hackney-Coach or Coachman ſhall ſtand or ply in any Part of the Square, but ſhall, as ſoon as he has ſet down his Fare, drive out of it, on Forfeiture of 10 *s.* for every Offence, to be recovered and levied in ſuch Manner, upon ſuch Complaint and Application, and to be ſo applied, as the Forfeitures payable by the Act 9 *Ann. c.* 23. *For licenſing and regulating Hackney Coaches, &c.* are to be recovered and applied.

XXV. *Sect.* 4. After the Firſt of *May*, 1726, there ſhall at all Times hereafter be raiſed and paid to the Truſtees, and the Survivors of them, and to ſuch other Truſtees as ſhall be elected in their Stead, or to ſuch Perſons as ſhall be by them appointed, proportional yearly Rates or Duties, at the Diſcretion of the Truſtees, or the major Part of them preſent, provided the Number of the Truſtees preſent be Seven at the leaſt; and ſo as the ſaid Rates do not exceed in any one Year 10 *s.* a Foot for the Front-Line of the ſaid Houſes towards the Square on the Eaſt, North, and Weſt Parts thereof; chargeable with ſuch Sums of Money as ſhall be advanced, borrowed, raiſed or recovered, as is hereafter appointed; which Rates ſhall be paid by the reſpective Tenants and Occupiers of the ſaid Houſes for the Time being, to the Truſtees, or ſuch Perſon as ſhall be by them appointed in the Manner herein after mentioned, by Quarterly Payments; the firſt Payment to commence the Firſt Day of *Auguſt*, 1726, and the Money, when collected, ſhall be applied to the cleaning, repairing, or otherwiſe beautifying the Square, to the continuing the ſame in ſuch Repair, and to defray the neceſſary Charges of paſſing this Act.

XXVI. *Sect.* 5. If any of the Houſes ſhall ſtand empty, or be occupied by any Embaſſador or Miniſter from any Foreign Prince or State, then the Duty ſhall be paid by the Landlords or Proprietors thereof.

XXVII. *Sect.* 6. If any Difference ſhall ariſe concerning the Rates, Aſſeſſments, or meaſuring the Feet of the Front-Lines of the Houſes, the Truſtees, or any Seven or more of them, ſhall have Power, at any Time within Ten Days after Complaint thereof, to hear and finally determine the Matter, ſo as the Complaint be made in Writing within Thirty

Days after ſuch Aſſeſſment made, or Cauſe of Complaint accrued.

XXVIII. *Sect.* 7. The Truſtees, or any Five or more of them, ſhall meet at the Veſtry-Room of St. *James*'s Pariſh, on the Twenty-firſt of *April*, 1726, and ſhall then adjourn themſelves to ſuch Time and Place as they ſhall think fit; and they ſhall meet at the ſaid Veſtry Room on the Third Thurſday in *April* in every Year, and adjourn, as before, and the ſaid Truſtees, or any Three or more of them, may meet at any other Time or Place, as often as it ſhall be neceſſary for putting this Act in Execution; Three Days Notice being left in Writing at the Houſe of each of the Truſtees, of the Time and Place of ſuch Meeting.

XXIX. *Sect.* 8. The Truſtees, or any Seven or more of them, ſhall, at their firſt or any other Meeting, by Writing under their Hands and Seals, chuſe and appoint a fit Perſon, from Time to Time, to be a Collector, and another fit Perſon to be a Receiver, of ſuch Monies as ſhall be payable by Virtue of this Act, ſuch Collector and Receiver giving reaſonable Security to the Truſtees for the due and faithful Execution of their Offices.

XXX. *Sect.* 9. The Collectors ſhall, from Time to Time, pay over to the Receiver all the Money by him collected, and ſhall fairly enter in a Book to be kept for that Purpoſe, all Sums of Money he ſhall collect or pay by Virtue of this Act, and the Times of his receiving and paying the ſame; and ſhall, on Oath (if required by any Three or more of the Truſtees) before one or more Juſtices of the Peace for the City of *Weſtminſter*, and Liberties thereof, give in a true Liſt and perfect Account in Writing under his Hand of all Monies he ſhall have collected, paid or diſburſed, by Reaſon of his Office; for which Oath no Fee ſhall be taken, and the ſame may be taken in Writing, without any Stamp thereon.

XXXI. *Sect.* 10. Every Perſon appointed by the Truſtees to receive the Money ſo collected, ſhall, in like Manner, keep a regular Account of the ſame; and ſhall, upon Oath if ſo required, before ſuch Juſtices as above enacted with Reſpect to the Collector, give in a true Account in Writing, under his Hand, of all Monies by him received or paid by Reaſon of his Office, for which Oath no Fee ſhall be taken, and the ſame may be in Writing, without any Stamp thereon.

XXXII. *Sect.* 11. If any Collector ſhall neglect or refuſe to account for the Money by him collected, to the Truſtees, or any Three or more of them, or to pay the ſame to ſuch Perſons as they, or any Seven or more of them, ſhall have by Writing under their Hands and Seals, authorized to receive

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the ſame, (being thereto required by any Three or more of the Truſtees) and if any Perſon who ſhall be impowered by the Truſtees to receive any Money collected by Virtue of this Act, ſhall not account in reſpect thereof, or ſhall miſapply any Part of the Money ſo by him received, or ſhall not pay the ſame as any Three or more of the Truſtees ſhall direct, then it ſhall be lawful for the Juſtices of *Weſtminſter* at a Special Seſſions, to enquire of ſuch Neglects, Refuſals, Miſapplications, Non-payments and Offences, as well by Confeſſion of the Parties, as by the Teſtimony on Oath of One or more credible Witneſſes, (which Oath ſuch Juſtices are required to adminiſter without Fee) and if any Perſon ſhall be convicted by the Juſtices of any ſuch Neglect, Miſapplication, *&c.* they ſhall commit him to the Common Gaol of the ſaid City, there to remain 'till he ſhall have made a true and perfect Account and Payment.

XXXIII. *Sect.* 12. If any Perſon ſhall refuſe to pay the Rates by this Act required to be paid, after Demand made of the ſame, it ſhall be lawful for any Three or more of the Truſtees under their Hands and Seals, to direct the Collector, with the Aſſiſtance of a Conſtable, to enter into the Dwelling-Houſe of ſuch Perſon in the Day-Time, and diſtrain all or any Part of the Goods and Chattels in ſuch Houſe, and carry them away, leaving at the Houſe the Cauſe of the Diſtreſs; and if the Inhabitant or Owner of the Goods, ſhall not within Five Days next after ſuch Diſtreſs, and Notice thereof ſo given, replevy the ſame, with ſufficient Sureties to be given to the Sheriff, according to the Laws in Being for Diſtreſſes in Caſe of Non-payment of Rent; then the Perſon diſtraining ſhall, with the Sheriff or Under-Sheriff of the County of *Middleſex*, the High Bailiff of *Weſtminſter*, or any Conſtable of St. *James*'s Pariſh, cauſe the Goods to be appraiſed by Two Sworn Appraiſers (whom the Sheriff, *&c.* are impowered to ſwear) and after ſuch Appraiſement ſhall ſell the Goods, for the beſt Price can be got for them, towards Satisfaction of the Money due by Virtue of this Act, and of the Charges of the Diſtreſs, Appraiſment and Sale, leaving the Overplus in the Hands of the Sheriff, *&c.* for the Owner's Uſe.

XXXIV. *Sect.* 13. On any Reſcous, or tortious taking away, or forcible Detention of the Goods ſo diſtrained, any Three or more of the Truſtees, or the Collector, may, on a ſpecial Action on the Caſe, recover treble Damages and Coſts againſt the Offenders; and for want of ſufficient Diſtreſs, and in Caſe no ſuch Diſtreſs ſhall be thought proper to be made, then it ſhall be lawful for any Three or more of the Truſtees in their own Names, or, if ſuch Truſtees ſo

think fit, in the Name of the Collector, but for the Uſes in this Act, to commence one or more Actions at Law, on the Caſe or in Debt, againſt any Perſon refuſing to pay the Money payable by this Act, and ſhall recover the Money ſo due or payable; and if a Verdict or Judgment paſs for the Plaintiff, or in Caſe a Replevin is brought upon any ſuch Diſtreſs, and a Verdict or Judgment paſſes, or is rendred againſt the Perſon ſuing out ſuch Replevin, then, in each of the ſaid Caſes, the Perſon againſt whom ſuch Verdict or Judgment ſhall paſs, ſhall pay full Coſts of Suit to the Truſtees, or the Collector for their Uſe; and in Caſe any ſuch Action ſhall be brought in the Name of the Collector, it ſhall be proceeded upon, and not diſcontinued or diſcharged, without the Conſent of the Truſtees, or the major Part of them.

XXXV. *Sect.* 14. If any Diſtreſs be made, where no Money ſhall appear to be due, or if an Action be brought againſt any Inhabitant or Occupier of any of the ſaid Houſes, and the Plaintiff therein ſhall be nonſuited or diſcontinue his Action, or a Verdict or Judgment paſs againſt him, in every ſuch Caſe the Perſon injured by ſuch Diſtreſs or Action, ſhall recover his full Coſts of Suit.

XXXVI. *Sect.* 15. The Eaſt, Weſt, and North Parts of the Square, and the adjoining Streets, as the Houſes, or their Out-houſes, or any of their Appurtenances, do or ſhall front the ſaid Streets, ſhall be a diſtinct and ſeparate Ward, ſo far as relates to the Scavengers Rate only, under the Direction of the Truſtees, and ſhall be exempt from paying any other Rates, Aſſeſſments, or Taxes in Reſpect of ſuch Houſes, Out-houſes, or Appurtenances, to the Scavenger's Rate of any other Ward or Diſtrict.

XXXVII. *Sect.* 16. The Pariſh of St. *James* ſhall be exempted from carrying away from any Part of the Square, or of the adjoining Streets, ſo far as their Out-houſes, or any of their Appurtenances, do or ſhall front the ſaid Streets, all Manner of Filth, Dung, Aſhes, Rubbiſh, or Annoyances whatſoever.

XXXVIII. *Sect.* 17. It ſhall be lawful for the ſaid Inhabitants, or for any other Perſons, to advance to the Truſtees, or to their Receiver, any Sums of Money, not exceeding in the whole 6,000 *l.* for the abſolute Purchaſe of Annuities, payable during the Term of Thirty-two Years, to be reckon'd from, the reſpective Times ſuch Monies ſhall be advanced, and to be computed at ſuch Rates as ſhall be agreed upon by the Truſtees, with the Perſons advancing the Money, ſo as ſuch Rates do not exceed 7 *l. per Cent. per Annum*, for any Sum of 100 *l.* and proportionally for a greater or leſſer Sum; and the Purchaſe Money for every ſuch Annuity

nuity is to be paid to the Truſtees or to their Receiver, a ſuch Times as ſhall for that Purpoſe be agreed on between the Parties; all which Annuities ſhall be payable to the Purchaſers, their Executors, Adminiſtrators or Aſſigns, by equal half-yearly Portions; the firſt Payment to be due at the End of Six Months from the Time of paying the Purchaſe Money.

XXXIX. *Sect.* 18. The Money received for the Annuities, ſhall be applied as the Sums to be collected from the Inhabitants ſhould have been applied, if ſuch Annuities had not been taken out.

XL. *Sect.* 19. The Truſtees ſhall cauſe Books to be kept for regiſtring the Sums advanced for purchaſing the Annuities, wherein they ſhall cauſe to be made regular Entries of the Sums paid, the Time when, and the Names of the Perſons paying the ſame; and ſhall by proper Deeds under their Hands and Seals, grant the Annuities for ſuch principal Sums; and the yearly Rate hereby enacted to be paid by the Inhabitants of the Houſes, ſhall be charged in the firſt Place with the Payment of ſuch Annuities, and all Arrears thereof; and ſhall veſt in the Annuitants, upon Default of Payment of ſuch Annuities, till the ſame be fully paid and ſatisfied, together with Intereſt, and the Coſt and Charges occaſioned by Non-Payments; and the Annuitants ſhall have the ſame Power and Right of diſtraining or ſuing for the Sums of Money payable by the Inhabitants, as the Truſtees or their Collectors could have had, in Caſe the Annuities had been regularly paid.

XLI. *Sect.* 20. The Annuities ſhall be deemed perſonal Eſtates, and ſhall be aſſignable and transferrable, by Indorſement or otherwiſe, to any Perſons whatſoever; and the Perſon to whom ſuch Transfer or Aſſignment is made, after the ſame is enter'd in a Book to be kept for that Purpoſe, by, or by the Order of, the Truſtees, or the major Part of them, ſhall be entitled to ſuch Annuity, and to the Monies due, or to grow due, thereon.

XLII. *Sect.* 21. Such Aſſignees, and every after Aſſignee, may in like Manner transfer and aſſign the Annuities, and ſo *toties quoties*, as Occaſion ſhall require; and it ſhall not afterwards be in the Power of any Perſon who hath made ſuch Aſſignment, to revoke or make void the ſame; and the Annuities ſhall be deviſeable by the Will of the Owner, and ſhall be free from all Parliamentary and other Taxes and Aſſeſſments whatſoever.

XLIII. *Sect.* 22. If the Truſtees, or the major Part of them ſhall, inſtead of granting ſuch Annuities, judge it more reaſonable to borrow Money for the Purpoſes aforeſaid, repayable with Intereſt, at Times to be agreed on; or

ſhall think it proper to grant Annuities in Part, and to borrow Money in other Part, then it ſhall be lawful for them to borrow ſuch Sums as they ſhall think proper, and to mortgage the Rate payable by the Inhabitants for Re-payment of the Sums ſo borrowed, with ſuch Intereſt, at ſuch Times, and with ſuch Proviſoes of Redemption, as ſhall be agreed on, ſo, nevertheleſs, that the Principal Money to be borrowed, together with the Money received for Purchaſe of Annuities, do not at any one Time exceed in the whole the Sum of 6,000 *l.* and ſo as the Intereſt for the Monies borrowed, exceed not the Rate of 5 *l. per Cent. per Annum.*

XLIV. *Sect.* 23. If any Suit be commenced for any thing done in Purſuance of this Act, the Defendant may plead the General Iſſue, &c. and on a Verdict, &c. ſhall recover treble Coſts.

XLV. *Sect.* 24. It ſhall be lawful for the Truſtees, or the major Part of the Survivors of them, upon the Death of any of the ſaid Truſtees, to meet (due Notice being given of ſuch Meeting, as aforeſaid) and by any Writing under their Hands and Seals, to elect in the Room of the deceaſed Truſtees, ſo many more fit and able Perſons, being Owners or Occupiers of any of the Houſes in the ſaid three Lines in the Square, to be joined with them in the Execution of the Powers and Truſts repoſed in them by this Act, as they ſhall think fit; and the Perſons ſo choſen ſhall have the ſame Powers and Privileges, and are hereby impowered to act to all Intents and Purpoſes, in as full and ample Manner, as the Truſtees by this Act appointed are impowered to do; and ſo *toties quoties* Occaſion ſhall be.

XLVI. *Sect.* 25. If any Truſtee ſhall alien his Property in his Houſe, or if any Tenant ſhall remove out of the Square, every ſuch Perſon ſhall, from the Time of ſuch his Alienation or Removal, ceaſe to be a Truſtee; and the remaining Truſtees ſhall proceed to a new Election of other Truſtees in the Room of ſuch as ſhall ſo alien or remove.

XLVII. *Sect.* 26. This ſhall be deemed to be a publick Act, and all Judges and Juſtices are required to take Notice of it as ſuch.

XLVIII. Stat. 2 *Geo.* 2. *c.* 11. *Sect.* 1. On the Fourth of *June*, now next enſuing, and on the Twenty-ſixth of *December*, 1729, and upon the Twenty-ſixth of *December* in every enſuing Year, during the Continuance of this Act, unleſs that Day be Sunday, and then on the next Day, the Conſtables, Church-wardens, and other Inhabitants in every of the Pariſhes in *Weſtminſter*, and the Pariſhes within the Weekly Bills of Mortality in the County of *Middleſex*, (ſuch Inhabitants being of the Veſtry) ſhall meet together in the Veſtry-Room,

Room, or their uſual Place of Meeting; and the major Part of them ſhall make a Liſt of the Names of a competent Number of Inhabitants in their Pariſhes reſpectively, and ſhall return in ſuch Liſt to Two or more of the Juſtices for the City of *Weſtminſter*, or County of *Middleſex*, at a ſpecial Seſſions to be holden for that Purpoſe, within Ten Days after every ſuch Meeting; for which Purpoſe the Juſtices are hereby required to hold a ſpecial Seſſions at ſome Place within their Juriſdictions, and to give Notice of the Time and Place where they intend to hold the ſame, to the Conſtables and Churchwardens of the ſeveral Pariſhes, at leaſt Two Days before the holding of the Seſſions; and the Juſtices ſhall then and there, out of the Liſts, according to the Largeneſs of the Pariſh, by Warrant under their Hands and Seals, nominate and appoint Two or more Perſons to be Surveyors of every of the ſaid Pariſhes for the Year enſuing; which Appointment ſhall, by the Conſtables, Headboroughs, or Beadles, be notified to the Perſons ſo appointed within Six Days after ſuch Nomination, by ſerving them with the Warrant, or leaving it, or a true Copy thereof, at their Houſes, or uſual Places of Abode; and from thenceforth the Perſons ſo appointed ſhall be Surveyors of the Streets, for the Pariſh or Place for which they ſhall have been ſo appointed, for the Year enſuing, and ſhall take upon them, and duly execute the Office according to this Act; and if any Perſon ſo appointed, and ſerved with ſuch Warrant, ſhall refuſe or neglect ſo to do, he ſhall forfeit 20 *l.* to be levied on his Goods and Chattels, by Diſtreſs and Sale, by Warrant under the Hands and Seals of Two or more Juſtices; which Forfeiture ſhall be paid into the Hands of the Surveyors, and be applied by Order of the ſaid Juſtices towards the Purpoſes directed by this Act, rendring the Overplus to the Owner, the Charges of Diſtreſs and Sale being firſt deducted; and in Caſe of ſuch Neglect or Refuſal to act as Surveyors, or in Caſe of the Death of any Surveyor, the Juſtices are to appoint ſome other fit Perſons to perform the ſaid Office, who, upon ſuch Appointment, and like Notice, ſhall take upon them, and duly execute the ſaid Office; and if any of them neglect or refuſe ſo to do, he ſhall forfeit the like Sum of 20 *l.* to be levied, paid, and applied, as aforeſaid; and if the Conſtables or Church-wardens ſhall not return to the Juſtices ſuch Liſt of Names, in ſuch Manner as in this Act is directed, every of them ſo neglecting ſhall forfeit 10 *l.* to be levied and paid in the Manner, and imploy'd to the Uſes aforeſaid.

XLIX. *Sect.* 2. Every Surveyor of the Streets, within Ten Days after his firſt coming on the Office, and ſo, from Time to Time, every Six Weeks, or oftner, if the Juſtices at

their Special Seſſions ſhall think it neceſſary, during his being Surveyor, ſhall take a View of all the Streets, Lanes, and Alleys, within the Pariſh, Ward, Diviſion, or Place, for which he is appointed Surveyor, and ſhall make a Return on Oath to the Juſtices aſſembled in Special Seſſions (which the Juſtices are hereby required to hold ſome Time in the Week immediately preceding the General Quarter-Seſſions, under Penalty of 5*l.* each) in Writing, of the Names of all the Inhabitants, Landlords, and other Perſons, whoſe Pavements ſhall be out of Repair; and the Juſtices in Special Seſſions ſhall examine the Return as to any Errors, Omiſſions, or Miſtakes therein; and after the Return ſhall be ſettled by the Juſtices, they, or any Two of them, ſhall preſent the ſame in *Engliſh* to the next Quarter-Seſſions, for the City and Liberty of *Weſtminſter*, or County of *Middleſex*; which Preſentment ſhall be in the Words, or to the Effect following;

A Preſentment of the Surveyor of the Streets in the Pariſh, Ward, Diviſion, or Place of made to us, and other Juſtices of the Peace aſſembled in Special Seſſions, in Purſuance of this Act, on the Day of in the Year of our Lord which Preſentment we have examined on Oath, and do approve of, and do return to this Court of Seſſions.

And it ſhall be ſufficient in ſuch Preſentment by the Juſtices, to inſert the Chriſtian and Surnames of the Perſons whoſe Pavements ſhall be out of Repair, and the Names of the Streets or Places where ſuch Pavements are, and the Contents of the Pavements out of Repair; and the Surveyors and Juſtices ſhall preſent in like Manner any Nuſances or Obſtructions relating to the Cleanſing or Paving of the Streets; and ſuch Preſentments being made under the Hands and Seals of Two or more Juſtices, ſhall have the ſame Force and Effect of a Preſentment on View by any Two Juſtices, of any Highways out of Repair; and the Quarter-Seſſions are required to proceed thereon, as they may do by any Law relating to Highways now in Force.

L. *Sect.* 3. It ſhall be lawful for the Surveyors, if Two or more Juſtices think it neceſſary, to cauſe publick Notice to be given in the Pariſh-Church, on the next Lord's Day, immediately after the Morning Service, or Sermon ended, by the Miniſter or Pariſh-Clerk, who are hereby required to give ſuch Notice, of all Defaults and Neglects in repairing or amending the Streets, and the Names of the Perſons guilty of ſuch Default or Neglect; and if ſuch Default be not amended within Twenty Days after ſuch Notice given, the Surveyors may cauſe the ſame to be repaired

paired and amended, and ſhall be reimburſed what Charges they ſhall be at in ſo doing by the Perſons who ſhould have done the ſame; and if any of the ſaid Perſons ſhall, on Demand, refuſe or neglect to pay the Surveyors their Charges, then the Surveyors may apply to any Juſtice, and on making Oath of the Charges of ſuch Repairs, they ſhall be paid all ſuch Charges as ſhall be allowed to be reaſonable by the Juſtice.

LI. *Sect.* 4. Where any Paving belonging to any Dwelling-houſe, or other Building, which ſhall be empty or unoccupied, ſhall be out of Repair, or want Amendment, or new paving, it ſhall be lawful for the Surveyors to cauſe ſuch of the Pavements to be made good, as in their Opinion do not require to be intirely new paved, and to give an Account to the Juſtices at their next Special Seſſions, or Publick Meeting, of all ſuch Pavements, as, in their Opinions, ſhall require to be entirely taken up, and new paved, belonging to ſuch empty Houſes, or unoccupied Buildings; and if the Juſtices ſhall think fit to have the ſame intirely new paved, the Surveyors ſhall cauſe it to be done, the Charges of ſuch Repairing, making good, or new Paving to be ſettled by the Juſtices, together with ſuch farther Recompence to be allowed to the Surveyors for their Trouble and Loſs of Time, and for their diſburſing the Money to anſwer the Charge of ſuch amending and new paving, as the Juſtices ſhall think reaſonable; the Money ſo ſettled and allowed ſhall be levied on the next Tenant or Occupier, by Diſtreſs and Sale of his Goods, by Warrant of any Two Juſtices of the County, *&c.* wherein ſuch Diſtreſs is to be made, rendring the Overplus, after all Charges deducted, to the Owner; and it ſhall be lawful for ſuch new Tenant, who ſhall pay any Money ſo ſettled and allowed on any the Accounts aforeſaid, whether they ſhall pay it voluntarily or by Diſtreſs, to deduct and retain out of their Rent, then due or thereafter to grow due, all the Money they ſhall ſo pay; and if any Dwelling-houſe, or other Building, ſhall be burnt or pulled down, before the Money ſo ſettled and allowed ſhall be levied or paid, without the wilful Neglect or Default of the Surveyor intitled to receive the ſame, the ſaid Money ſhall be levied in like Manner, and by the like Means, on the Goods of any Tenant of the new Houſe which ſhall be erected in the Place of that ſo burnt or pulled down, and on the Materials of ſuch Houſe ſo taken or burnt down; which Materials are hereby declared ſubject to ſuch Diſtreſs and Sale.

LII. *Sect.* 5. If any Surveyor of the Streets, after his Acceptance of, and entring upon his Office, ſhall neglect his Duty in any Thing required of him by this Act, he

ſhall

ſhall forfeit for every Offence 40 *s.* to be levied within One Month after the Offence committed, and paid and diſpos'd of, as aforeſaid.

LIII. *Sect.* 6. If any Juſtice of the Peace ſhall neglect or refuſe to do what is required of him by this Act, he ſhall forfeit 5 *l.* One Moiety to any Perſon who ſhall ſue for the ſame, and the other Moiety to be paid for the Uſes directed by this Act, to be recovered in any Court of Record at *Weſtminſter*, by Action of Debt, *&c.* in which no Privilege, Protection, or Wager of Law ſhall be allowed, or more than One Imparlance; ſuch Proſecution to be commenced in Six Weeks after ſuch Neglect or Refuſal of the Juſtice.

LIV. *Sect.* 7. Whereas the Pavements are often damaged and ſpoiled by breaking them up for laying or amending Water Pipes, and by the careleſs and irregular Laying down ſuch Pavements with unfit or bad Materials, by the Agents for the Proprietors of Water-Works, who frequently lay the Water-Pipes too high, and near the Surface of the Pavements, ſo that ſuch Pavements cannot bind or ſettle, or be good or ſubſtantial as they ought to be: For Remedy whereof it is enacted, That where the Juſtices ſhall find on View, or by Preſentment, any ſuch Irregularity of Water-Pipes, or bad Pavements, and ſhall order any Amendment thereof, the Inhabitants or Surveyors, or other Perſons who ſhall, purſuant to any Order of the Juſtices, cauſe the Amendment to be made, ſhall be repaid the Expences thereof by the Proprietors of ſuch Water-Works, who, or their chief Officers, Treaſurers, Caſhires, Collectors, Paviours, or ſome of them, ſhall repay to ſuch Inhabitants, Surveyors, *&c.* all the Money they ſhall have paid for repairing or making good ſuch Pavements; and in Default to pay the ſame on Demand, the Juſtices, or any Two of them, Oath being made before them of the Truth of the Premiſſes, ſhall, by Warrant under their Hands and Seals, levy the ſaid Expences on the Goods and Chattels of ſuch of the Principal Officers, Treaſurers, *&c.* of the Proprietors of any Water-Works, as ſhall have made ſuch Default of Payment on Demand, together with the Charges of the Diſtreſs and Sale, rendring the Overplus.

LV. *Sect.* 8. If any Juſtice for the City of *Weſtminſter* or County of *Middleſex*, ſhall at any Special Seſſions to be holden for the Purpoſes of this Act, make in Writing, to be ſigned by him, any Preſentment upon his View, of any Neglect, Default, or Offence contrary to this Act; ſuch Preſentment ſhall be of the ſame Force, as any Return made by the Surveyors ought to be; and the Juſtices at ſuch Seſſions are to proceed thereon accordingly; and are hereby

required to take all poſſible Care to cauſe the Pavements to be reduced and brought to a due and proper Level, as ſoon as may be.

LVI. *Sect.* 9. All Laws now in Force for cleaning the Streets, Lanes and Alleys within the City of *Weſtminſter*, and the Liberties thereof, and elſewhere within the Limits of the Weekly Bills of Mortality, ſhall be duly obſerved and executed, and all the Powers, Proviſions, Penalties, Articles and Clauſes contained in the Act 2 *W.* & *M. Seſſ.* 2. *c.* 8. *For Paving and Cleanſing the Streets in the Cities of* London *and* Weſtminſter, *&c.* and in the Act 8 & 9 *W.* 3. *c.* 37. For explaining and enforcing the laſt mentioned Act [*Both which Acts ſee in* Vol. II. Tit. London, Par. CLII. & ſeq.] ſhall be of full Force and Effect, and ſhall be put in Execution by the Juſtices, ſo far as the ſame are conſiſtent with this Act; and after the Fourth of *June*, 1729, the ſeveral Scavengers or Rakers within the ſaid Limits, ſhall ſweep or rake up, and lay in Heaps, all the Dirt in the ſeveral Streets, Ways, and Paſſages within their ſeveral Pariſhes or Diviſions, which they are obliged to carry away; and they ſhall carry away all the ſaid Dirt, on Pain of forfeiting 40 *s.* for every Neglect or Default, to be levied, paid and diſpos'd of in the ſame Manner as other Penalties are directed by this Act.

LVII. *Sect.* 10. This Act, or any of the Powers therein contained, ſhall not extend to St. *James's Square*, in Regard other Proviſion is made for that *Square*, by the Act 12 G. 1. *cap.* 25.

LVIII. *Sect.* 11. It ſhall be lawful for the Juſtices at any Special Seſſions to be held in Purſuance of this Act, to give ſuch Reward and Allowance to the Surveyors, for their Trouble and Loſs of Time, as they ſhall think reaſonable, not exceeding 8 *l. per Ann.* to any one of them, to be paid out of any Money raiſed by any Scavengers Rate, by Order of Two Juſtices in Special Seſſions aſſembled; and it ſhall not be lawful for the Clerk of the Peace, or his Deputy, or any Perſon acting under him, to ask or receive any Fee or Reward, on Account of any Thing done in Purſuance of this Act.

LIX. *Sect.* 12. *Oxford-Street* and *Cavendiſh-Square*, in the Pariſh of St. *Mary le bone*, in the County of *Middleſex*, and all the Streets and Paſſages now ſet out, or which hereafter ſhall be ſet out in *Marybone Fields*; and all the Houſes and other Buldings now built, or which hereafter ſhall be built in the ſaid Fields, ſhall be deemed to be within this Act, and the ſaid Acts 2 *W.* & *M. Seſſ.* 2. *cap.* 8. and 8 & 9 *W.* 3. *c.* 37. and the Directions and Proviſions therein for paving and cleanſing the ſame.

LX.

LX. *Sect.* 13. This Act ſhall continue in Force for Three Years, to be reckon'd from the Fourth of *June*, 1729, and from thence to the End of the then next Seſſion of Parliament; and ſhall be deemed to be a publick Act; and if any Suit ſhall be brought againſt any Perſon, for any Thing done in Purſuance of this Act, he may plead the General Iſſue, *&c.* and on Verdict, *&c.* ſhall recover treble Coſts.

Lottery.

I. *Stat.* 12 *G.* 1. *c.* 2. *Sect.* 1. It ſhall be lawful for his Majeſty, his Heirs and Succeſſors, to continue the Deductions of 6 *d.* in the Pound, which by the Act of 7 *Geo.* 1. *cap.* 27. his Majeſty was impowered to make upon all Penſions and Annuities, charged on the Civil-Liſt Revenues, and upon all Salaries, Fees and Wages, payable in Reſpect of any Offices of Profit, to continue the ſaid Deductions for the Purpoſes in this Act, in the ſame Manner as the ſaid Deductions have been made by Virtue of the ſaid Act of 7 G. 1. but ſubject to the Savings, and Exceptions in the ſaid Act mentioned.

II. *Sect.* 2. Every Year after the Twenty-fourth of *June*, 1726, the Sum of 30,000 *l.* which ſhall ariſe for the ſaid Deductions, ſhall be a Fund and Security for paying the Annuities after the Rate of 3 *l. per Cent. per Annum*, to the Contributors in the Lottery herein after mentioned, till the Redemption thereof: And the ſaid yearly Sum of 30,000 *l.* or ſo much thereof as ſhall be ſufficient to ſatisfy the Sums that ſhall grow due on the ſaid Annuities, ſhall be paid Half-yearly at *Chriſtmas* and *Midſummer*, by equal Portions, until Redemption of the ſaid Annuities, at the Exchequer, to the Caſhier of the Bank of *England*; the firſt Payment to be made on the Twenty-fifth Day of *December*, 1726; and the High Treaſurer, or the Commiſſioners of the Treaſury for the Time being, are to cauſe the ſaid Sum of 30,000 *l.* to be impreſſed and paid accordingly.

The Fourteen following Clauſes of this Act relate only to the Manner of delivering out the Tickets; the Duty of the Managers and Receivers; the Method of drawing the Lottery, &c. *for all which ſee the Act at large.*

III. *Sect.* 17. After the Lottery is drawn, the Tickets ſhall be exchanged for Certificates to be ſign'd by ſuch of the Managers as ſhall be appointed for that Purpoſe.

IV. *Sect.* 18. Notice ſhall be given by Advertiſement, when the Certificates are to be deliver'd out; and every Certificate ſhall be number'd in Courſe according to their Bringing their Tickets to the Officer appointed to exchange the ſame;

ſame; to which Purpoſe ſuch Officers ſhall enter in a Book to be kept for that Purpoſe, the Name of every Perſon who brings any Tickets to be exchanged, and the Value in Principal Money, and the Annuity attending the ſame, and the Day of the Month and Year when brought; which Book ſhall lie open in the Office for all Perſons to peruſe; and the Certificates ſhall be ſign'd by the Officers ſo to be appointed, and ſhall be directed to the Accomptant General of the Bank of *England*.

V. *Sect.* 19. The Accomptant General of the Bank ſhall give Credit to the Perſons named in ſuch Certificates, in a Book to be by him kept for that Purpoſe, for the Principal Sums contained in every ſuch Certificate: And the Perſons to whoſe Credit the ſaid Principal Sums ſhall be ſo entered, may aſſign and transfer the ſame, or any Part thereof, in other Books to be kept for that Purpoſe; and the Principal Sums ſo aſſigned, ſhall carry the ſaid Annuities of Three Pounds *per Centum*, and ſhall be taken to be Stock transferrable by this Act, till the Redemption thereof: And the ſaid Accomptant General is to cancel and file the Certificates, as they ſhall be taken in by him; and ſhall give the Perſons bringing the ſame a Note under his Hand, teſtifying the Principal Money for which they have Credit in the Books.

VI. *Sect.* 20. Every Perſon named in the Certificates, ſhall enjoy an Annuity of 3 *l. per Centum per Annum*, for the Sums ſpecify'd therein, out of the Money of the yearly Fund, to be paid Half-yearly, till the Annuities ſhall be redeemed; the firſt Payment to begin at *Chriſtmas*, 1726; and the ſaid yearly Sum of 30,000 *l.* ſhall be appropriated thereto, and ſhall not be diverted to any other Uſe.

VII. *Sect.* 21. The ſaid Annuities ſhall be free from all Taxes, Charges or Impoſitions whatſoever.

VIII. *Sect.* 22. The Bank of *England* ſhall appoint a Perſon with their Office in the City of *London*, to be their chief Caſhire, and another to be their Accomptant General: And the Caſhire to whom the Monies ſhall be iſſued for Payment of the ſaid Annuities, ſhall without Delay pay the ſame accordingly, and render his Account thereof according to the Courſe of the Exchequer; and the Accomptant General ſhall examine all Receipts and Payments of the Caſhire, and the Vouchers relating thereto, to prevent Frauds, Negligence, or Delay. Theſe Annuities ſhall be deemed Perſonal Eſtates, not deſcendible to the Heir, and not liable to any Foreign Attachment by the Cuſtom of *London*, or otherwiſe.

IX. *Sect.* 23. All the Principal Monies for which the Annuities are payable, ſhall be deemed one Capital or Joint-

Stock, and called, *The Joint-Stock of Three Pounds* per Centum *Annuities*; and all Perſons, in Proportion to their Annuities, ſhall have a Share in ſuch Stock; and all ſuch Shares ſhall be aſſignable, transferrable and deviſeable in the ſame Manner as is preſcribed by the Act 1 *G.* 1. *c.* 19. touching the Annuities of Five Pounds *per Centum per Annum* therein mentioned; and no Stamp-Duties ſhall be chargeable on ſuch Transfers; and the Bank ſhall continue a Corporation till theſe Annuities ſhall be redeemed; and none of the Members thereof ſhall incur any Diſability for doing any Thing in Purſuance of this Act.

X. *Sect.* 24. No Fee ſhall be taken for paying of theſe Annuities, by the Caſhier, nor for any Transfer thereof, on Pain of forfeiting 20 *l.* to the Party grieved, to be recovered with full Coſts in any of the Courts at *Weſtminſter*.

XI. *Sect.* 25. It ſhall be lawful for his Majeſty, on Six Months Notice to be given under his Sign Manual, and affixed on the *Royal Exchange*, on any of the Feaſt-Days of Payment, to redeem theſe Annuities by paying to the Proprietors the Purchaſe-Money, and all Arrearages of the ſaid Annuities; and after ſuch Payment the Annuities ſhall ceaſe.

XII. *Sect.* 26. All ſuch Monies as ſhall ariſe from the ſaid Deductions of 6 *d.* in the Pound, ſhall be appropriated for diſcharging the ſaid Annuities, till redeemed, Half-yearly, to wit, within Twenty Days next after the Twenty-fifth of *December*, and the Twenty-fourth of *June* aforeſaid. In every Year the Treaſury ſhall cauſe an exact Account to be taken of all the Monies which ſhall, on or before every reſpective Half year, have ariſen into the Exchequer in the preceding Half-year, upon the ſaid Deductions; and the Monies ſo ariſing ſhall be immediately paid over to the chief Caſhire of the Bank, towards diſcharging the Annuities; and if the ſaid Deductions prove deficient, the ſame ſhall be provided for and made good out of any Monies to ariſe from the Hereditary Revenues.

XIII. *Sect.* 27. If the Monies ariſing by the ſaid Deductions in any Year ſhall have proved ſo deficient, as not to have brought into the Exchequer the full Sum of 30,000 *l.* then the Arrears ſhall be made good out of the Monies that ſhall ariſe on the ſaid Deductions, after the End of ſuch Year, wherein ſuch Deficiency happen'd; and any Sums paid out of the hereditary Revenue ſhall alſo be replaced out of the ſame.

XIV. *Sect.* 28. In Caſe at the End of any One Year, the Monies ariſing by the ſaid Deductions ſhall be more than ſufficient to anſwer the ſaid 30,000 *l. per Annum*, and to replace what may have been in the ſame Year iſſued out of the

the hereditary Revenues towards making good the ſame, ſuch Surplus ſhall be reſerved in the Exchequer, and not be thence iſſued but by Authority of Parliament.

XV. Stat. 12 G. 1. c. 4. *Sect.* 56. If the Monies ariſen or to ariſe into the Exchequer, on Account of the Act 10 G. 1. c. 2. *For continuing the Duties on Malt*, &c. *to raiſe Money by Way of a Lottery, for the Service of the Year*, 1724, before the Fifth of *May*, 1726, ſhall not be ſufficient to diſcharge the whole Principal and Intereſt due on the ſeveral Certificates made forth for the Fortunate Tickets, iſſued in Purſuance of that Act, then ſo much Money, as ſhall on that Day be wanting to diſcharge that Deficiency, ſhall be made good out of the Supplies granted for the Year, 1726; and the Treaſury are to iſſue and apply the ſame for that Purpoſe accordingly.

XVI. Stat. 13 G. 1. c. 3. Whereas in Purſuance of the Act 12 G. 1. c. 2. *For granting to his Majeſty the Sum of One Million, to be raiſed by Way of a Lottery*, 11,093 Tickets were returned into the Exchequer, as the Sum of 110,930 *l.* Part of the Supply granted for the Year, 1726, but upon drawing the ſaid Lottery, the ſaid 11,093 Tickets happened to be entitled in Blanks and Benefits computed together, to the Principal Sum of 103,272 *l.* 10 *s.* as their Share in the Joint-Stock of 3 *l. per Centum* Annuities, created by the ſaid Act, by Means whereof there was a Deficiency of Caſh in the Exchequer, on that Head of Service, of 7,657 *l.* 10 *s.* which hath ſince been provided for, as Part of the Sum of 160,306 *l.* 17 *s.* 5 *d.* $\frac{1}{4}$. granted this preſent Seſſions, for the Deficiency of Grants for the Service of the Year, 1726. Therefore it is Enacted,

Sect. 9. That the Teller of the Exchequer, into whoſe Office the ſaid 11,093 Tickets were returned, ſhall be diſcharged from the ſaid Deficiency of 7,657 *l.* 10 *s.* which did happen as a Loſs thereon, upon the drawing of the Lottery, and ſhall not be any longer charged therewith.

XVII. *Sect.* 10. And whereas the ſaid Lottery-Tickets ſo entitled as aforeſaid, being applicable to any Part of the Supplies granted the laſt Seſſions, have accordingly been applied towards making good the Deficiency of the General Fund for the Years ending at *Michaelmas*, 1724, and at *Michaelmas*, 1725, and the ſame now remains in the Exchequer as Caſh on the Head of the Sinking Fund; and whereas in Purſuance of ſeveral Acts, ſtanding Orders at the Exchequer are made out for Debentures made out by Authority of Parliament for the Sufferers at *Nevis* and St. *Chriſtophers*, for Payment of ſeveral Principal Sums of Money, amounting toge-

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ther to the Sum of 141,093 *l.* 5 *s.* 1 *d.* ½. attended with Annuities after the Rate of 3 *l. per Cent. per Annum*, redeemable by Parliament, and charged on the General Fund. And whereas the Proprietors of the ſaid ſtanding Orders are deſirous to exchange them for an equal Share in the Joint-Stock of 3 *l. per Centum* Annuities, transferrable at the Bank of *England*, in Caſe they were enabled ſo to do; by Means whereof the ſaid 103,272 *l.* 10 *s.* Part of the ſaid Annuities, may be diſpos'd of without farther Loſs or Diſcount: Therefore the Treaſury ſhall cauſe all the ſaid Lottery-Tickets remaining in the Exchequer, to be enter'd for ſuch Certificates, as the ſaid Lottery-Act hath directed, in the Name of one of the Tellers; and after ſuch Entry, or making out ſuch Certificates, the Share or Intereſt which the ſaid Lottery-Tickets are entitled to in the ſaid Joint-Stock of 3 *l. per Centum* Annuity, ſhall be veſted in ſuch Teller, as Caſh in the Exchequer; and upon Truſt in the firſt Place to apply the Annuities due thereon to the Aggregate Fund, when the ſame ſhall become due; upon Truſt to transfer the Whole, or any Part of the Principal Sum, to which the ſaid Lottery-Tickets are entitled in the Joint-Stock of 3 *l. per Centum* Annuities, to ſuch Perſons, as being Proprietors of the laſt mentioned Standing Orders, ſhall voluntarily deliver up the like Principal Sum in any of theſe Debenture Orders, upon Truſt to transfer the Reſidue of the Principal Sum in the Joint-Stock of 3 *l. per Centum* Annuities, which ſhall not be aſſigned to the Proprietors of the Debenture Orders, to ſuch Uſes as ſhall hereafter be directed by the Authority of Parliament, and to no other Uſe whatſoever.

XVIII. *Sect.* 11. To the End that theſe ſtanding Orders may be regularly diſcharged, according to the Courſe of the Exchequer, the Treaſury ſhall direct the Auditor of the Exchequer, before the Twenty-fourth of *June*, 1727, to take in from any of the Proprietors of thoſe Orders, any Number thereof, containing any Principal Sums, not exceeding in the Whole, 103,272 *l.* 10 *s.* and the Auditor ſhall receive all ſuch Orders as ſhall be brought to him for that Purpoſe, 'till the ſaid Sums ſhall be compleated; and ſhall enter in a Book an Account of the Orders ſo brought to him, and of the Proprietors of the ſame, in Order and Courſe of Time in which they ſhall be brought, without any undue Preference, ſo as every Proprietor, or ſome other Perſon duly authorized by him, do, by proper Words in Writing, to be written in ſuch Book, ſignify his Deſire that ſuch ſtanding Orders be paid off out of the Joint-ſtock of 3 *l. per Cent.* Annuities; and the Auditor ſhall thereupon direct the Teller to pay the Principal Sums mentioned in ſuch Orders out of the Share in the ſaid Joint-Stock, ſo veſted

veſted in him as aforeſaid; and the Clerk of the Pells ſhall record ſuch Directions, and the Teller ſhall afterwards transfer in due Form ſo much of the ſaid Joint-Stock of 3 *l. per Cent.* Annuities, as ſhall be contained in ſuch Directions, to the Perſon entitled to it, upon his ſigning on ſuch Order proper Diſcharges for the ſame; and ſuch Orders ſo paid off ſhall be cancelled and kept in the Exchequer.

XIX. *Sect.* 12. The Intereſt or Annuity on the Orders to be diſcharged and cancelled, due before the Twenty-fifth of *December*, 1726, ſhall be paid out of the General Fund; and the Perſons to whom any Part of the Joint-Stock of 3 *l. per Cent.* Annuities, ſhall be transferred in Diſcharge of the ſtanding Orders, ſhall be entitled to the Annuity which ſhall grow due thereon, after the Twenty-fifth of *December*, 1726: Provided always, that nothing herein contained ſhall in any wiſe alter or prejudice ſuch of the ſtanding Orders as ſhall not be deſired to be diſcharged, or the Security for the ſame, or the Method, or Courſe of Payment of the Annuity or Intereſt due thereon; but they ſhall continue in the ſame Condition as if this Act had not been made.

Malt.

1. Stat. 12 G. 1. c. 4. *Sect.* 42. AFTER the Twenty-fourth of *June*, 1726, no Malt enter'd and made for Exportation only, in the Manner by this Act directed, ſhall be charged with any of the Duties impoſed on Malt made in *Great Britain*, and no Drawback out of the Duties on Malt by this Act granted, ſhall be allowed for any Malt whatever, which after the ſaid Twenty-fourth of *June*, 1726, ſhall be exported from any Part of *Great Britain*, to Parts beyond the Seas.

II. *Sect.* 43. All Makers of Malt for Exportation, ſhall, before they begin to wet or ſteep any Corn to be made into Malt for Exportation, give or leave Notice in Writing with the Officer for the Duties on Malt, for the Diviſion where ſuch Malt is to be made, of the Quantities of Corn intended to be contained in each Steeping, ſo by him intended to be made into Malt for Exportation; which Corn ſhall be kept ſeparate from all other Corn, either made, or to be made, into Malt for home Conſumption, on Penalty of 5 *s.* for every Buſhel of Grain contained in any Steeping entred to be made for Exportation, which ſhall be found

mixed with any Corn or Grain made, or to be made, into Malt for Home Conſumption.

III. *Sect.* 44. No Maker of Malt ſhall begin to wet or ſteep any Corn or Grain to make into Malt for Exportation, above Six Days before all the Corn he may have working on his Floors to make into Malt for Home Conſumption, ſhall be dried off; nor ſhall he begin to wet or ſteep any Corn to make into Malt for Home Conſumption, above Six Days before all the Corn he may have working on his Floors to make into Malt for Exportation, be fully dried and locked up in the Manner by this Act directed on the Forfeiture of 5*s.* for every Buſhel of Corn or Grain wetted or ſteeped contrary to the Manner herein preſcribed.

IV. *Sect.* 45. When the Malt ſo intended to be exported ſhall be fully made and dried, and fit for Exportation, it ſhall, in the Preſence of the Officer for the Duties in the Diviſion where the ſame was made, be meaſured and carried by the Maker or Proprietor directly on Ship-board, if intended to be immediately exported; or elſe into Storehouſes, to be provided by the Makers thereof, there to be kept apart from all other Malt, under Two Locks, and Two Keys to each Place into which ſuch Malt ſhall be carry'd: One of the Locks to be provided by the Proprietor, and the other by the Officer of the Diviſion, at the Expence of the Proprietor, whereof one Key to be kept by the Proprietor, and the other by the Officer, for the Duties in the Diviſion where the Malt ſhall be kept, 'till the ſame ſhall be delivered out for Exportation.

V. *Sect.* 46. It ſhall be lawful for the Superviſors and Officers for the ſaid Duties from Time to Time, during the ſteeping of the Corn ſo intended to be made into Malt for Exportation, and 'till the ſame ſhall be fully made and dried, and carry'd and lock'd up as before, to gauge and take an Account thereof in all its Operations, in the ſame Manner as they ought to do in Caſe the Duties charged on Malt for Home Conſumption were to be charged thereon, for the better diſcovering whether any of the Malt ſo intended for Exportation be not removed and carry'd away for Home Conſumption.

VI. *Sect.* 47. When any Maker or Proprietor of Malt for Exportation, and locked up for that Purpoſe, ſhall be deſirous to take away any of the ſaid Malt, in Order to remove it to ſome other Port for the Exportation thereof; and ſhall thereof give Notice in Writing to the Officer for the Duties of the Diviſion where the ſame ſhall be ſo locked up, by the Space of Forty Hours before the Time he ſhall deſire to take out the ſame, expreſſing in ſuch Notice

the Quantity of the Malt he desires to take out, and the Port or Place to which the same is intended to be removed for Exportation; in such Case the Officer for the Duties to whom such Notice shall be given, is required to attend at the Place where the Malt is so locked up, and to see the Malt measured and delivered out to the Proprietor, or his Agents.

VII. *Sect.* 48. The Officers shall keep an Account of the Malt so delivered out, and of the Persons to whom it belongs; and shall give such Person a Certificate to the Officer of the Division to which it is intended to be removed; expressing the Quantity and the Proprietor's Name, and the Division from whence it was delivered out; which Certificate shall be signed by the Officer giving the same, and shall be delivered to the Officer for the said Duties, of the Port where the Malt shall be carry'd to be exported, who shall file and keep the same, and make an Entry thereof in a Book to be kept by him for that Purpose, that upon Enquiry it may be discovered, whether any Maker of Malt for Exportation shall duly export all such Malt as shall be entred by him for Exportation; and in Case the Maker or Proprietor of such Malt shall neglect or refuse to deliver such Certificate to the Officer of the Division to which it shall be removed, that it may be filed and entered in the Manner in this Act before expressed, shall, for every such Refusal, forfeit 50 *l.*

VIII. *Sect.* 49. It shall be lawful for any Officers for the Duties on Malt, in the Ports where any Malt shall be shipped for Exportation, not only to attend the Measuring thereof, but also to continue on Board such Ships 'till they shall be cleared their Ports.

IX. *Sect.* 50. During the shipping of Malt for Exportation, at all such Times as the Proprietors or Exporters shall not be actually shipping Malt or other Merchandizes on Board, the Hatches of the Ships shall be kept locked down with Two Locks and Two Keys at each Hatch, one of the Locks to be provided, and the Key kept by the Proprietors or Exporters, and the other Lock to be provided and the Key kept by the Officer appointed to attend the said Shipping; and the Hatches shall be so kept locked from the Time the said Ships shall be fully loaded, 'till the same shall be ready to sail, to the Intent that none of the Malt put on Board may be relanded.

X. *Sect.* 51. Persons intending to ship Malt for Exportation, shall give at least Forty-eight Hours before they begin to put it on Board, Notice to such Officer of the Port, in Writing, of the particular Day, and of the precise Hour of such Day when such Shipping of the Malt

is intended to be begun; and alſo the Name of the Ship ſuch Malt is to be put on Board, on the Forfeiture of 5 *s.* for every Buſhel of Malt which ſhall be put on Board for Exportation without ſuch Notice given; and if any Malt ſo entred and made for Exportation, ſhall not within Nine Months after the Making and Drying thereof, and carrying the ſame into ſuch Rooms or Store-houſes, and there locked up and ſecured as aforeſaid, be exported for Parts beyond the Seas, in ſuch Caſe the Proprietor of the Malt not ſo exported, ſhall, for every Buſhel thereof, forfeit 5 *s.*

XI. *Sect.* 52. Makers of Malt not giving Notice of the Quantity of Corn to be wetted for Exportation, before the Wetting thereof, or not providing Store-houſes, or, within Six Days after Drying, not cauſing the ſame to be meaſured in Preſence of the Officer of the Diviſion, and to be locked up, ſhall forfeit 50 *l.* and Perſons oppoſing or hindring any of the Officers in the Execution of the Powers given them by this Act, or breaking open the Hatches of any Ship locked up in the Manner before-mentioned, without the Knowledge or Conſent of the Officer appointed to attend the ſhipping of Malt, ſhall forfeit for every ſuch Offence, 50 *l.*

XII. *Sect.* 53. In Conſideration of the extraordinary Expences the Makers of Malt for Foreign Exportation will be at for Ware-houſes, &c. for locking up the Malt, and for the ſeveral Admeaſurements thereof, from the Time of making ſuch Malt, 'till the Time of Exportation thereof, there ſhall be allowed to the ſaid Makers the Sum of 3 *d.* *per* Quarter out of the Duties granted by this Act, for every Quarter of Malt, which ſhall be ſo made and locked up for Foreign Exportation.

XIII. *Sect.* 54. A Drawback ſhall be allowed for all Malt made before the Twenty-fourth of *June*, 1726, that ſhall have paid the Duty impoſed thereon by the Act 11 *G.* 1. *c.* 8. *For laying a Duty on Malt, Mum*, &c. and that ſhall be exported for Foreign Parts before the Twenty-ninth of *September*, 1726, and the Exporters ſhall be entitled to a Drawback for the ſame, as if this Act had not been made.

XIV. *Sect.* 55. All ſuch Debentures, ſo to be made forth for Malt exported on or before the Twenty-ninth of *September*, 1726, ſhall, (in Caſe the Commiſſioners of Exciſe ſhall not have ſufficient in their Hands of the Duty granted by the ſaid Act 11 *G.* 1. *c.* 8. to ſatisfy the ſame) be paid out of the Duties ariſing by this Act.

XV. Stat. 3 *G.* 2. *c.* 7. *Sect.* 9. After the Twenty-fourth of *June*, 1730, the Two Clauſes in the Act 6 *G.* 1. *c.* 21.

to

to prevent the ſteeping of Barley or other Corn upon the Couch or Floor, or in any other Place than in Ciſterns duly enter'd; and to prevent Corn making into Malt to be ſo worked that it ſhall acreſpire, ſhall be repealed and made void, and from henceforth ſhall not be put in Execution.

XVI. *Sect.* 10. After the Twenty-fourth of *June*, 1730, there ſhall be allowed to Malſters and Makers of Malt for Exportation, for every Twenty Quarters of Barley, or other Corn or Grain that ſhall be entred and made into Malt for Exportation, an Allowance of Thirty Quarters, after the ſame ſhall be dried and made into Malt, and no more, upon the Exportation thereof, though by the ſteeping, wetting, and watering the ſame, the ſaid Twenty Quarters ſhall be run out to any greater Quantity exceeding the Thirty Quarters, according to the Act 1 *W. & M. c.* 12. *For encouraging the Exportation of Corn*, and in ſuch Caſes where by the ſaid Act they are intitled to the ſame.

XVII. *Sect.* 11. If any Perſon who ſhall export Malt into Foreign Parts, ſhall produce a Certificate from the Officer, with whom the Entry of the Corn intended to be made into Malt ſhall have been made, of the particular Sum that ſuch Perſon is intitled to receive, according to the ſame Allowance of Thirty Quarters for every Twenty Quarters that ſhall have been entred to be made into Malt for Exportation, which Certificates the ſaid Officers are, upon Demand, to give *gratis*; and upon ſuch Perſons giving Security before the Shipping thereof, that it ſhall not be re-landed in *Great Britain* (which Security the Cuſtomer or Collector of the Port where the ſame is intended to be exported, is hereby directed to take in the Name of, and to the Uſe of his Majeſty) then the Collector or chief Officer of the Port where ſuch Malt ſhall be exported, ſhall give to the Exporter a Debenture directed to the proper Perſons by whom the ſaid Allowance by the ſaid Act is directed to be paid; which Debenture being produced to ſuch Perſon, he is hereby required to pay the ſaid Allowance to the Perſons, or their Agents, ſo exporting the ſame: Provided, That if the Malt ſo ſhipped to be exported, or any Part thereof, ſhall be re-landed in any Part of *Great Britain*, then, over and above the Penalty of the Bond, which ſhall be recovered to his Majeſty's Uſe, all the Malt which ſhall be re-landed, and treble the Value thereof, ſhall be forfeited, one Moiety to the King, the other to the Perſon who ſhall ſeize, inform, or ſue for the ſame.

XVIII. *Sect.* 12. All Makers of Malt for Exportation, ſhall keep the entire Quantity of their Corn making into Malt, of one Wetting or Steeping, when the ſame ſhall be on the Kiln, or after it ſhall be taken off the Kiln, ſepa-

rate from all Parts of any other former Wetting, 'till the ſame ſhall have been meaſured by the Malſters, in Preſence of ſome Officer for the Duties on Malt, on Pain of forfeiting 50 *l.*

XIX. *Sect.* 13. Makers of Malt for Exportation, ſhall give Notice, in Writing, to ſome Officers of the Duties, or leave Notice in Writing at the next Office of Exciſe where the Journal is kept, of the Hour when he intends to take any Malt off the Kilns, that ſuch Officer may attend the meaſuring of the Malt, and after it has been meaſured, it ſhall be immediately carried on Shipboard, if intended to be then exported; or elſe be locked up in ſome Store-houſe, or other Place beloning to the Maltſter, in Preſence of the ſaid Officer, on Forfeiture of 50 *l.*

XX. *Sect.* 14. If any Malſter, or other Perſon by his Order, ſhall open any of the Locks or Doors, or make any kind of Entrance into ſuch Store-houſes, or ſhall remove any Part of the Partition between any ſuch Store-houſe, or other Place thereto adjoining, or remove any of the ſaid Malt, without the Knowledge of an Officer, he ſhall forfeit 100 *l.*

XXI. *Sect.* 15. All Maltſters, that on the Twenty-fourth of *June*, 1730, ſhall have any Quantity of Malt locked up in any Store-houſe, or other Place, ſhall within Nine Months next after the ſaid Twenty-fourth of *June*, remove and clear out of his Store-houſes, all and every Part thereof, that at any Time after the ſaid Twenty-fourth of *June*, ſhall be locked up and ſecured for Exportation; and ſhall always in every Nine Months clear off every Parcel of Malt, that at any Time within every Nine Months after the laſt Clearing ſhall be ſecured in any Store-houſe for Exportation, on Pain of forfeiting 50 *l.*

XXII. *Sect.* 16. After the Twenty-fourth of *June*, 1730, all Perſons who ſhall become Makers of Malt for Exportation, and ſhall make Uſe of any Store-houſes, ſhall within Nine Months after they begin to make Uſe of ſuch Store-houſes, clear out all the Malt that ſhall have been put into any ſuch Places, on Forfeiture of 50 *l.*

XXIII. *Sect.* 17. All Fines and Forfeitures for Offences againſt this Act ſhall be ſued for, and recovered, or mitigated by the ſame Ways and Methods as any Penalty given by the Laws of Exciſe, on Beer, Ale, *&c.* may be ſued for, *&c.* or by Action of Debt, *&c.* in any Court at *Weſtminſter*, and one Moiety ſhall be to the Crown, and the other to the Informer.

Murder.

Stat. 2 G. 2. c. 21. For the Preventing of any Failure of Juſtice, and taking away all Doubts concerning the Trial of Murders in the Caſes after-mentioned, It is enacted, That where any Perſon, after the Twenty-fourth of *June*, 1729, ſhall be felonioufly ſtricken or poiſoned upon the Sea, or at any Place out of *England*, and ſhall die of the ſame Stroke, or Poiſoning in *England*; or where any Perſon ſhall be felonioufly ſtricken or poiſoned at any Place within *England*, and ſhall die of ſuch Stroke or Poiſoning upon the Sea, or at any Place out of *England*, in either of the ſaid Caſes, an Indictment thereof found by Jurors of the County in that Part of *England*, in which ſuch Death, Stroke or Poiſoning ſhall happen reſpectively, whether it be found before any Coroner, upon View of ſuch dead Body, or before the Juſtices of Peace, or other Juſtices, or Commiſſioners, who ſhall have Authority to enquire of Murders, ſhall be as good and effectual in the Law, as well againſt the Principals in ſuch Murder, as the Acceſſaries thereto, as if ſuch felonious Stroke or Poiſoning, and Death thereby enſuing, and the Offence of ſuch Acceſſaries had happened in the ſame County where ſuch Indictment ſhall be found, and the Juſtices of Gaol-Delivery, and *Oyer* and *Terminer*, in the ſame County where ſuch Indictment ſhall be found, and alſo any Superior Court, in Caſe ſuch Indictment be removed into ſuch Superior Court, ſhall proceed on the ſame in all Points, as well againſt the Principals in any ſuch Murder, as the Acceſſaries thereto, as they might or ought to do, in Caſe ſuch felonious Stroke or Poiſoning, and Death thereby enſuing, and the Offence of ſuch Acceſſaries had happened in the ſame County where ſuch Indictment ſhall be found; and every ſuch Offender, as well Principal as Acceſſary, ſhall anſwer upon their Arraignments, and have the like Defences, Advantages and Exceptions, (except Challenges for the Hundred) and ſhall receive the like Trial, Judgment, Order and Execution, and ſuffer ſuch Forfeitures, Pains and Penalties as they ought to do, if ſuch felonious Stroke or Poiſoning, and Death thereby enſuing, and the Offence of ſuch Acceſſaries had happened in the ſame County where ſuch Indictment ſhall be found.

Naval Stores.

I. Stat. 2 G. 2. c. 35. Sect. 1. AFTER the Twenty-ninth Day of *September* next, no Perſon within the Colonies of *Nova Scotia*, *New Hampſhire*, the Province of *Main*, the *Maſſachuſets Bay*, *Rhode Iſland*, and *Providence Plantation*, the *Narraganſet Country*, or *King's Province*, and *Connecticut* in *New England*, and *New York*, and *New Jerſey* in *America*, or in any other Province or Country in *America*, that now belongs, or hereafter ſhall belong to the Crown of *Great Britain*, ſhall preſume to cut, fell or deſtroy any white Pine-Trees, except only ſuch as are the Property of private Perſons, notwithſtanding the ſaid Trees grow within the Limits of any Townſhip laid out, or to be laid out hereafter, in any of the ſaid Colonies or Plantations, without his Majeſty's Royal Licenſe for ſo doing.

II. *Sect.* 2. No Perſon within the Province of the *Maſſachuſets Bay*, or *New England*, ſhall preſume to cut or deſtroy any white Pine-Trees of the Diameter of Twenty-four Inches, or upwards, at Twenty Inches from the Ground, not growing within ſome Soil or Tract of Land granted to ſome private Perſon before the Seventh Day of *October*, which was in the Year 1690, without his Majeſty's Licenſe firſt obtained, on Penalty that the Perſons ſo offending, or who ſhall be aiding or aſſiſting therein, or in drawing away the ſaid Pine-Trees, after they ſhall be ſo cut or felled, ſhall be ſubject to the like Forfeitures and Penalties, as are provided in the Act 8 *G.* 1. *c.* 12. for Perſons who ſhall fell any Pine-Trees, not growing in any Townſhip within the ſaid Plantations; to be recovered and applied as in the ſaid Act is particularly enacted.

III. *Sect.* 3. After the Twenty-ninth of *September* next, every Perſon that ſhall import, or cauſe to be imported, into this Kingdom, directly from any of his Majeſty's *Britiſh* Colonies or Plantations in *America*, in any Ship that may lawfully trade to his Majeſty's Plantations, mann'd as by Law is required, any of the Naval Stores hereafter mentioned, ſhall have, as a Reward or Premium for ſuch Importation, according to the ſeveral Rates of ſuch Naval Stores, as follows, *viz.*

For all Maſts, Yards and Bowſprights, *per* Ton, allowing Forty Foot to each Ton, girt Meaſure, according to the cuſtomary Way of Meaſuring round Bodies, 14

For

For clean, good, merchantable, well-conditioned Tar, clear of Droſs or Water, and in every Reſpect fit for making Cordage, *per* Ton, containing Eight Barrels, and each Barrel to gauge Thirty-one Gallons and a Half, to be well hooped and filled up, 2*l.* 4*s.*

For clean, good, merchantable, and well-conditioned Pitch, not mix'd with Dirt or Droſs, *per* Ton, containing Twenty Groſs Hundreds, net Pitch, to be brought in Eight Barrels of equal Size, 1*l.*

For clean, good, and merchantable Turpentine, clear of Droſs and Water, *per* Ton, each Ton containing Twenty Groſs Hundreds, net Turpentine, to be brought in Eight Barrels of equal Size, 1*l.* 10*s.*

Which ſeveral Premiums for each Species ſhall be paid by the Commiſſioners or Principal Officers of his Majeſty's Navy, who are hereby required to make out Bills, to be paid in Courſe for the ſame, on Certificate of the Chief Officer of the Cuſtoms, in any Port of this Kingdom, where ſuch Naval Stores ſhall be imported, ſuch Bills to be made out, and given to the Perſons importing the ſame within Twenty Days after unloading the Ship in which ſuch Stores ſhall be imported, on a Certificate to be produced to the Chief Officer of the Cuſtoms, under the Hand and Seal of the Governor, or Lieutenant Governor, and Collector of his Majeſty's Cuſtoms, and Naval Officer, or any Two of them, reſiding within any of his Majeſty's ſaid Colonies or Plantations, that before the Departure of ſuch Ship, the Perſon, Merchant, Trader or Factor loading the ſame, had made Oath before them, That the ſaid Naval Stores ſo ſhipped on Borad there, were truly, and *bona fide*, of the Growth and Produce of his Majeſty's ſaid Colonies and Plantations; as likewiſe on Oath to be made within any Port of *Great Britain* by the Maſter of ſuch Ship, importing ſuch Naval Stores, that the ſame were ſhipped on Board ſuch Ship, within ſome of his Majeſty's Colonies or Plantations in *America*, and that he knows or believes that the ſaid Naval Stores were of the Produce of the ſaid Colonies or Plantations.

IV. *Sect.* 4. The whole Kiln of ſuch Tar or the Value thereof, unleſs the Half Part ſhall be made into Pitch, ſhall, after the Twenty-ninth of *September*, 1729, be forfeited for the Benefit of any Perſon who ſhall ſue for the ſame, to be levied and recovered in the ſame Manner, as other Penalties and Forfeitures are directed by this Act.

V. *Sect.* 5. Upon the importing of any Naval Stores from his Majeſty's ſaid Colonies and Plantations, for which a Premium is hereby granted, the Pre-emption or Refuſal

of

of ſuch Naval Stores ſhall be tender'd to the Commiſſioners of his Majeſty's Navy, upon landing the ſame; and if within Twenty Days after ſuch Tender, the ſaid Commiſſioners ſhall not contract or bargain for the ſame, it ſhall be lawful for the Importer or Owner of ſuch Naval Stores, otherwiſe to diſpoſe of them for his beſt Profit and Advantage.

VI. *Sect.* 6. If any Pitch, Tar, Turpentine, Maſts, Yards, or Bowſprights, ſhall, after the Twenty-ninth of *September*, 1729, be exported, the Perſon exporting the ſame, ſhall, before the Entry thereof, produce to the Collector of the Cuſtoms, at the Port of Exportation, or to the chief Officer of the Cuſtoms there, a Receipt from the Treaſurer of the Navy, or his Caſhier, which he is hereby directed to give without Fee, ſignifying that ſuch Exporter, or his Agent, has paid to him the full Amount of the Premiums that are allowed by this Act, for the like Quantity of ſuch Naval Stores, either in lawful Money of *Great Britain*, or by Bills made out for Premiums, by Virtue of this Act; which Receipt ſhall likewiſe be ſubſcribed by the Controller of ſuch Treaſurer's Accounts, or his chief Clerk, without Fee, ſo that proper Notice may be taken thereof in his Office; and on Failure thereof, ſuch Naval Stores ſhall not be exported.

VII. *Sect.* 7. The Treaſurer of his Majeſty's Navy, ſhall, on receiving ſuch Premium, or the Value thereof, from the Exporter of ſuch Naval Stores, charge himſelf with the Money ſo received, or with the ſaid Premium or Bill; and the Commiſſioners and Principal Officers of his Majeſty's Navy, are to take particular Care that the ſame be duly brought to the Account of his Majeſty by ſuch Treaſurer accordingly.

VIII. *Sect.* 8. If any Perſons, their Agents or Aſſigns, ſhall be found fraudulently to export ſuch Naval Stores, without paying ſuch Premium to the Treaſurer of the Navy, or his Caſhire, ſuch Perſons ſhall forfeit and loſe all ſuch Naval Stores, and double the Value thereof, one Moiety to the King, the other to the Proſecutor, to be proſecuted in any of the Courts at *Weſtminſter*, or in the Court of Exchequer in *Scotland*, wherein no Eſſoign, *&c.* or more than one Imparlance ſhall be allowed.

IX. *Sect.* 9. If any Doubt ſhall ariſe, whether the Naval Stores, ſo to be exported, are of the Growth or Manufacture of his Majeſty's Plantations in *America*, or of Foreign Growth or Manufacture, the *Onus probandi* ſhall lie on the Owner, and not on the Proſecutor.

X. *Sect.* 10. The ſeveral Clauſes in the Act 5 *G.* 1. *c.* 11. (*which ſee in* Vol. V. Tit. **Cuſtoms.**) ſo far as they relate to the

the examining and viewing Pitch and Tar of the Produce of the Plantations, and for inflicting Penalties and Forfeitures on any Officer of the Cuſtoms, demanding or taking any Fee, Gratuity or Reward, for examining, viewing, or delivering ſuch Pitch, Tar, or other Naval Stores, with Reſpect to the Premium, and for making or ſigning a Certificate in Order to receive ſuch Premium, ſhall be continued and put in Practice during the Continuance of this Act.

XI. *Sect.* 11. As a farther Encouragement for making of Tar according to the Directions of the Act 8 *Geo.* 1. *c.* 12. (*which ſee in Vol.* VI. Tit. Naval Stores, *Par.* III.) be it enacted, That all Perſons, who ſhall import into this Kingdom, clean, good, merchantable, well conditioned Tar, clear of Droſs or Water, and in every Reſpect fit for making Cordage, made from Trees prepared according to the Directions of the ſaid Act 8 *G.* 1. ſhall receive as a Premium for the ſame, 4 *l. per* Ton, containing Eight Barrels, and each Barrel to gauge Thirty-one Gallons and a Half, to be well hooped and filled up, on the Importation thereof. Provided, That the Importer of ſuch Tar, before he be intitled to any Premium, ſhall produce to the proper Officers of the Cuſtoms (who are to grant Certificates upon the Importation of Tar) ſuch Certificate upon Oath, that all the ſaid Tar was made without any Mixture of any other Tar therewith, according to the Directions of the ſaid Act, as in the ſaid Act for that Purpoſe is particularly mentioned and required.

XII. *Sect.* 16. The Importation of the Naval Stores following, *viz.* Pitch, Tar, Turpentine, Maſts, Yards and Bowſprights, of the Growth of the Plantations in *America*, ſhall be ſubject to the ſame Regulations, Reſtrictions, and Limi ations, in Reference to the Shipping and Navigating thereof; and ſuch Security ſhall be given for importing the ſame into *Great Britain*, and ſubject to ſuch Penalties and Forfeitures, as the Importation of Sugar, Tobacco, Cotton, Wool, Indigo, Ginger, Fuſtick, and other dying Wood, from his Majeſty's Plantations in *America*, are ſubject to.

XIII. *Sect.* 17. The aforementioned Premiums upon Maſts, Yards, and Bowſprights, Tar, Pitch and Turpentine, ſhall be paid on the Importation of the ſaid Naval Stores, during the Term of Thirteen Years, to commence from the Twenty-ninth of *September*, 1729, and from thence to the End of the next Seſſion of Parliament, and no longer.

News-Papers.

I. Stat. 11 *Geo.* 1. *c.* 8. *Sect.* 13. Enacted, That all Journals, Mercuries, and News-Papers, printed on one Sheet and Half Sheet of Paper, ſhall not for the Future be deemed or taken as Pamphlets, to be entred, and pay only 3 *s.* for each Impreſſion thereof.

II. *Sect.* 14. After the Twenty-fifth Day of *April*, 1725, the following Duties ſhall be paid upon every Journal, &c. which ſhall be printed and publiſh'd in *Great-Britain*, during the Term mentioned in the Act of 10 *Ann. c.* 19. or any other Act of Parliament by which the ſaid Duties are granted or continued, *viz.* For every Sheet of Paper, on which any Journal, Mercury, or other News-Papers is printed, ſhall be paid a Duty of 1 *d. Sterling*; and for every Half-Sheet thereof one Half-peny *Sterling*.

III. *Sect.* 15. The ſaid Duties ſhall be levied in the ſame Manner, and ſubject to the ſame Directions, Penalties and Forfeitures, Appropriations and Redemptions, as are mentioned in the ſaid Act of 10 *Ann. c.* 19. or in any other Act relating to the Duties thereby granted.

Niſi Prius.

I. Stat. 12 *Geo.* 1. *c.* 31. *Sect.* 1. After the Firſt Day of *Eaſter* Term in the Year, 1726, it ſhall be lawful for the Chief Juſtice of the King's Bench, the Chief Juſtice of the Common Pleas, and the Chief Baron of the Court of Exchequer, and every of them, and in their Abſence, for any other Judge or Baron of the ſaid ſeveral Courts, as Juſtices of *Niſi Prius* for the County of *Middleſex*, within the Term, or within the Space of Eight Days after the End of any Term, to try all ſuch Iſſues, as by the Act of 18 *Eliz. c.* 12. [*which ſee in* Vol. III. *ſub hoc titulo*] they are enabled to try, in ſuch Place and Manner, and with and under ſuch Powers, Authorities and Proviſions, as in and by the ſaid Act, or any other Act of Parliament, or Law whatſoever concerning the Premiſſes, are preſcribed and contained.

II. *Sect.* 2. All Sheriffs, Officers, Miniſters, Parties, Witneſſes, Jurors, and other Perſons whatſoever, who by the ſaid Act were required to give Attendance, upon the ſaid Chief Juſtices and Chief Baron, or other Judges and Barons, or to make Return of Proceſs, or to do or execute any other Matters or Things whatſoever, relating to any Trials to be had by Virtue of the ſaid Act, ſhall be charged and

obliged reſpectively to give their Attendance, make Return of Proceſs, and do and execute all other Matters and Things whatſoever, relating to any Trials to be had by Virtue of this Act, in like Manner, and under the like Penalties and Forfeitures, as in and by the ſaid Act are expreſſed and provided, as fully and effectually to all Intents and Purpoſes, as if the ſame, and every of them, had been repeated and inſerted in this preſent Act.

Norwich.

I. Stat. 12 *Geo.* I. *c.* 15. *Sect.* 1. After the Firſt of *May*, 1726, there ſhall be paid by every Maſter, or other Perſon having the Command, Rule, Management, or working of any Boat, Keel, Wherry, Lighter, Hoy, or other Veſſel, which ſhall paſs up the common River higher than *Thorp-Hall* in *Thorp*, next *Norwich*, towards that City, before they unlade any Goods or Merchandizes, the Tolls following;

For every Chaldron of Coals, *Wincheſter* Meaſure, 4*d.*
For every Laſt of Wheat, Rye, Barley, Malt, or other Grain, 4*d.*
For every Weigh of Salt, 4*d.*
For every Three Hogſheads of Sugar, Tobacco, Molaſſes, or Hogſheads pack'd with other dry Goods, 4*d.*
For every Three Puncheons of Liquor, 4*d.*
For every Four Hogſheads, or Two Pipes of Wine, Spirits, or other Liquors, 4*d.*
For every Eight Barrels of Soap, Raiſins, Oil, Pitch, Tar, or packed with other dry Goods, 4*d.*
For every whole Butt, or Two Half Butts of Currans, 4*d.*
For every Two Pipes of *Smyrna* Raiſins, 4*d.*
For every Twenty-four Bags of Nails, 4*d.*
For every Sixty Bars of Iron, 4*d.*
For every Fifty Pieces of Iron, called *Short Broads*, 4*d.*
For every Eight Pigs or a Fodder of Lead, 4*d.*
For every Peak Milſtone, or a Pair of *Cologne* Milſtones, 4*d.*
For every Forty Firkins of Butter, or Archel, 4*d.*
For every Twenty Hundred Weight of Cheeſe, 4*d.*
For every Twenty Square Foot of Stone, 4*d.*
For every Thouſand Pantiles, 4*d.*
For every Chaldron of Grindſtones, 4*d.*
For every Eighty Single Deals, or Forty Double Deals, 4*d.*
For every Fifty Square Foot of Fir, or other Timber, 4*d.*
For every Two Bags of Hops, 4*d.*

For

For every Eight Horſe-Packs of any Sort of Goods, 4 *d.*
For every Ton of every other Sort of Goods, Merchandizes or Lading whatſoever, to be computed according to the Cuſtom of Ship or Water Tonnage, 4 *d.*
And ſo in Proportion for every greater or leſſer Quantity of Goods, which ſhall be Water-born, or brought up the River, higher than *Thorp-Hall*, 4 *d.*

Which Money ſhall be paid to the Mayor, Sheriffs, Citizens, and Commonalty of the City of *Norwich* for the Time being, or to ſuch Perſons as they ſhall appoint to receive the ſame; and when received ſhall (after deducting the Charges of paſſing this Act) be applied and diſpoſed of for or towards the rebuilding or repairing the Walls, and the Six large Bridges over the River running through the ſaid City; and for amending, repairing, and maintaining the Gates, Waſtes, Stathes, Wharfs, and Highways and Roads leading from St. *Stephen's* Gates in the ſaid City towards *Eaton*, to the further End of the *Town-Cloſe*, and from the ſaid Gates towards *Harford* Bridge to the further End of the ſaid *Town Cloſe*, and other the publick Works within the ſaid City, and to no other Purpoſe whatſoever.

II. *Sect.* 2. It ſhall be lawful for the Mayor, Sheriffs, Citizens and Commonalty of the ſaid City, in Common Council aſſembled, to nominate and appoint ſuch Perſons as they ſhall think fit, to be Receivers or Collectors of ſuch Sums of Money as ſhall become due by Virtue of this Act; all which Sums the ſaid Receivers ſhall pay to ſuch Perſons as the Mayor, *&c.* ſhall appoint; and the Mayor, or any Two Juſtices of the Peace for the ſaid City, are hereby enabled to adminiſter an Oath to every ſuch Receiver, or other Officers, for the true executing their Offices about the Premiſſes.

III. *Sect.* 3. It ſhall be lawful for the Mayor, *&c.* or ſuch Perſons as they ſhall appoint, to inſpect the Receipts and Diſburſements of all the Monies that ſhall be collected by Virtue of this Act, and to call before them the Collectors and Receivers, and other Perſons who ſhall be intruſted with the Receipt, or any Imployment of the Monies, who are to render to them, (or to ſuch Perſons as they ſhall appoint) a true Account thereof; and in Caſe he or they refuſe to account on Demand, then the Mayor, or any Two Juſtices for the City, by Warrant under his or their Hands and Seals, may commit ſuch Collectors or Receivers to the common Gaol of the City, there to remain without Bail or Mainprize, till they ſhall account.

IV. *Sect.* 4. It ſhall be lawful for the Mayor, or any Two of the Juſtices of that City, by like Warrant under their Hands

Hands and Seals, to levy by Diſtreſs and Sale of the Goods of ſuch Perſons, as ſhall be charged with Money in their Hands, or in Arrears, ſuch Sums as they ſhall be charged with, rendring the Overplus; and for Want of ſuch Diſtreſs, to commit ſuch Perſons to the Common Gaol of the City, till they pay, or ſecure to be paid ſuch Monies as they ſhall be reſpectively charged with, and found in Arrear.

V. *Sect.* 5. Every Maſter, or other Perſon, having the Command, Rule, Management or Working of any Boat, Keel, Wherry, Lighter, Hoy, or other Veſſel, ſhall, before he unlade any Part of his Freight, deliver in Writing a true Account of the Quantity of Goods, or full Number of Tons, with which ſuch Boat, *&c.* is laden, to ſuch Collectors or Receivers as ſhall be appointed to receive the ſame, at ſuch Place, and to ſuch Perſon, as the Mayor, Sheriffs, *&c.* ſhall appoint for that Purpoſe; and ſhall likewiſe pay to ſuch Collector the Money payable for their Lading; which Collector ſhall, upon receiving the ſaid Account and Monies, give a Receipt for ſo much as he ſhall receive; which Receipt ſhall be a ſufficient Warrant to ſuch Maſter to unlade his Freight; which Receipt the Maſter ſhall be obliged to produce to ſuch Officers as ſhall be appointed by Virtue of this Act, when and as often as required; and if any Perſon having the Command, *&c.* of any ſuch Boat, *&c.* ſhall, after paſſing by *Thorp-Hall*, begin to unlade any Part of his Freight, before he hath delivered in ſuch Account, and paid the Duty by this Act granted, and taken out his Warrant or Receipt, (which the Collector ſhall be obliged to give *gratis*) he ſhall forfeit 5 *l.* to be levied by Warrant under the Hand and Seal of the Mayor, or of any Two Juſtices of the ſaid City, to diſtrain ſuch Boat, *&c.* of every ſuch Perſon ſo offending, together with the Tackle and Furniture, or any Part thereof; and the Diſtreſs ſo taken to detain, till the Forfeiture is paid; and on Non-payment in Ten Days after the Diſtreſs taken, ſhall have full Power to ſell the Diſtreſs, and therewith ſatisfie the Penalty, as alſo for the reaſonable Charge and Trouble in the taking ſuch Diſtreſs, and diſpoſing thereof, rendring the Overplus to the Offender; which Penalties ſhall be applied, one Half to the Informer, the other to the Uſes of this Act.

VI. *Sect.* 6. If any Maſter, *&c.* of any Boat, *&c.* paſſing by *Thorp-Hall*, ſhall give in a falſe Account of the Freight, or Number of Tons, with which he ſhall be laden, and be thereof convicted upon Oath, by one credible Witneſs, before the Mayor or any Two Juſtices of the City, he ſhall forfeit 20 *s.* to be levied by Warrant of Diſtreſs, *&c.* (*as before*) which Penalty ſhall be appropriated to the ſame Uſes as the Duties raiſed by this Act; and he ſhall alſo pay the remaining

remaining Number of Tons of Goods of ſuch Lading, as ſhall appear not to have been entred, and the Duty not paid for.

VII. *Sect.* 7. Provided nevertheleſs, that ſuch Maſter, &c. of any ſuch Boat, &c. ſhall not be ſubject to the ſaid Forfeiture of 20 *s.* unleſs his Lading ſhall exceed Three Tons more than he ſhall have entred and paid for; but in Caſe his Lading ſhall not exceed three Tons more, then, if ſuch Maſter ſhall, within Twenty-four Hours after he has unladen the Boat, Keel, &c. pay to the Officers of the Duty for ſuch Quantity or Part of his Freight, as he ſhall not have at firſt enter'd and paid for, he ſhall be excuſed the Penalty incurred by him by this Act: But in Caſe the Maſter, &c. of any ſuch Boat, &c. ſhall not within Twenty-four Hours after he has ſo unladed the ſame, pay to the ſaid Officers the full Duty for ſuch Part of his Freight as he ſhall have ſo omitted to enter, he ſhall be ſubject to the Forfeiture appointed by this Act for the falſe Entry; and it ſhall be lawful for the Collectors, or any other Perſons to be appointed by the Mayor, Sheriffs, &c. of *Norwich*, to enter into, ſearch, and take an Account of the Lading of any Boat, &c. paſſing by *Thorp-Hall*, for any Goods ſuſpected to be concealed, and for which a Duty ought to be paid by Virtue of this Act; and ſuch Perſons ſo authorized to make ſuch Search, as ſhall be refuſed in making it, and in taking ſuch Account of the Lading, every Perſon offending therein ſhall forfeit 20 *s.* to be levied and applied as the laſt mentioned Penalty is to be levied and diſpoſed of.

VIII. *Sect.* 8. The Mayor, Sheriffs, &c. of the ſaid City ſhall appoint One or more Offices, near or adjoining to the River, between *Thorp-Hall* and St. *Anne's Stathe* in *Norwich*, where One or more Collectors ſhall conſtantly reſide for receiving the Duties, and delivering the Receipts, from Five in the Morning till Eight at Night, from the Tenth of *March* to the Tenth of *September* yearly, and from Seven in the Forenoon to Five in the Afternoon, during the other Parts of the Year.

IX. *Sect.* 9. It ſhall be lawful for the Mayor, &c. in Caſe they judge it neceſſary, to fix a Boom acroſs the River between *Thorp Hall* and the common *Stathe* in *Norwich* incluſive, to prevent any Boats, &c. paſſing up the River, till the Maſter, &c. ſhall have given an Account of the Lading, and paid the Duty granted by this Act; and in Caſe a Boom ſhall be ſo placed, then the Mayor, &c. ſhall, at the Head of ſuch Boom, or as near to it as conveniently may be, fix and erect an Office, where Officers to be appointed in Manner aforeſaid, ſhall conſtantly, by Night and by Day, attend to let paſs ſuch Boat, &c. coming up the River, on their giving

giving an Account of their Lading, and paying the Duty for the ſame; and every Boat, &c. paſſing down the ſaid River, from *Norwich*, or elſewhere, towards *Yarmouth*, ſhall be let paſs at the Boom without Delay, or paying any Thing therefore: And in Caſe the Officer appointed to attend at the Boom, ſhall voluntarily ſtop or delay any ſuch Boat, &c. paſſing up the ſaid River, after the Maſter, &c. ſhall have given an Account of his Lading, and paid the Duty for the ſame, or any Boat, &c. paſſing down the River towards *Yarmouth*, by the Space of Half an Hour or longer, the Officer ſo offending ſhall, for every Half Hour that he ſhall ſo ſtop or delay any ſuch Boat, &c. forfeit to the Perſon aggrieved 2 *s.* 6 *d.* which Forfeiture the Mayor, or any other Juſtice of the City, ſhall, on the Oath of the Perſon ſo aggrieved, levy by Warrant under his Hand and Seal, on the Goods of ſuch Offender, or commit him to the Common Gaol till he ſhall pay the Forfeiture.

X. *Sect.* 10. The Mayor, Sheriffs, &c. may, by Writing under their Common Seal, aſſign over the Money to be raiſed by Virtue of this Act, for ſuch Term of Years as they ſhall think proper, for ſecuring the Payment of any Sums of Money, with legal Intereſt, as they ſhall borrow for the more ſpeedy effecting the Works, to ſuch Perſons as ſhall lend the ſame; which Money ſo borrowed, ſhall be laid out and applied, as the Duty hereby granted is directed to be.

XI. *Sect.* 11. Nothing in this Act ſhall extend to take away or leſſen any Duty, which before the making of this Act were payable to the Mayor, &c. at their common Stathe, and other Stathes of the City; but the ſame ſhall continue to be paid on all Goods and Merchandizes, as they were before the making of this Act.

XII. *Sect.* 12. After the Firſt of *May*, 1726, the Mayor, &c. of *Norwich* ſhall yearly, and for ever, on the Twenty-fifth of *March* after the ſaid Firſt of *May*, or within Three Months after, pay to the Treaſurer of the County of *Norfolk*, for Bridge-Money, or to ſuch Perſons as ſhall be appointed by the Juſtices at their General Quarter-Seſſions held at the Caſtle of *Norwich*, for the County of *Norfolk*, to receive the ſame, the Sum of 30 *l.* out of the Monies to be collected by Virtue of this Act, to be applied for ever hereafter towards repairing and rebuilding *Trowſe-Bridge*, (being the neareſt Bridge to *Norwich*) *Lakenham-Bridge*, *Harford-Bridges*, *Cringleford-Bridge*, and *Earlham-Bridge*.

XIII. *Sect.* 13. All and every the ſaid Bridges ſhall, for ever hereafter, be deemed and taken as Bridges belonging to the County of *Norfolk*, and as lying within the ſame; and as ſuch, ſhall be repaired and rebuilt, as often as there ſhall be Occaſion, at the ſole Coſts and Charges of the Inha-

bitants of the ſaid County, in the ſame Manner, by the ſame Method, and by the ſame Laws, as any other publick County Bridges lying within the County of *Norfolk* now are, may, or ought to be repaired.

XIV. *Sect.* 14. If any Suit be commenced for any Thing done in Purſuance of this Act, the Defendant may plead the General Iſſue, &c. and on Verdict, &c. he ſhall recover treble Coſts. And this Act ſhall be allowed in all Courts as a publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

XV. Stat. 3 *Geo.* 2. *c.* 8. *Sect.* 1. After the Twenty-fifth of *April*, 1730, every Perſon, before he is admitted to poll as a Freeman at any Election of a Citizen to ſerve in Parliament for the City of *Norwich*, ſhall take the Oath hereafter firſt mentioned, or, being a Quaker, ſolemnly affirm the Effect thereof, *viz.*

You do ſwear that you are, and for Twelve Kalendar Months have been, admitted a Freeman of the City of Norwich, *and that you have not been before polled at this Election, or* [in caſe of an Election for Two Citizens] *but for one Perſon.*

So help you God.

And every Perſon before he is admitted to poll at the Election of a Mayor or Sheriff of the ſaid City, ſhall, inſtead of the Oath or Affirmation required by the Act 9 *Geo.* 1. *c.* 9. *For better qualifying the Manufacturers of Stuffs and Yarns in the City of* Norwich, *and Liberties thereof, to bear Offices of Magiſtracy in the ſaid City, and for regulating Elections of ſuch Officers*] to be taken at ſuch Elections, take the Oath next following, or, being a Quaker, ſolemnly affirm the Effect thereof, *viz.*

You do ſwear that you are, and for Twelve Kalendar Months have been, admitted a Freeman of the City of Norwich, *and for Six Kalendar Months laſt paſt have been an Inhabitant within the Liberties thereof, and that you have not been before polled at this Election.*

So help you God.

And every Perſon, (except ſuch as are placed in any of the Hoſpitals or Workhouſes, or Priſoners for Debt in the Priſons of the ſaid City) before he be admitted to poll at any Election of any Alderman or Common-Council Men of the City, ſhall, inſtead of the Oath or Affirmation required by the ſaid Act of 9 *Geo.* 1. *c.* 9. to be taken at ſuch Elections, take the Oath next following, or, being a Quaker, ſolemnly affirm the Effect thereof, *viz.*

You

You do ſwear that you are, and for Twelve Kalendar Months have been, admitted a Freeman of the City of Norwich, *and for Six Kalendar Months laſt paſt have been an Inhabitant within the Ward of* [mentioning the Ward for which ſuch Election is made] *and that you have not been before polled at this Election.*

So help you God.

XVI. *Sect.* 2. No Perſon who ſhall be placed in any Hoſpital or Workhouſe, or Priſoner for Debt in any Priſon of the ſaid City, ſhall be admitted to poll at any Election of any Alderman or Common Council-man, ſave only at ſuch Elections as ſhall happen in that Ward in which he ſhall have inhabited Six Kalendar Months immediately preceding his being placed in ſuch Hoſpital or Workhouſe, or before his Impriſonment; and before he ſhall be admitted to poll at ſuch Election, he ſhall take the Oath next following; or, being a Quaker, ſolemnly affirm the Effect thereof, *viz.*

You do ſwear that you are, and for Twelve Kalendar Months have been, admitted a Freeman of the City of Norwich, *and was an Inhabitant in the Ward of* [mentioning the Ward for which ſuch Election is made] *Six Kalendar Months immediately preceding your being placed into the Hoſpital* [if an Hoſpital Man] *or into the Workhouſe* [if in the Workhouſe] *or immediately preceding your Impriſonment* [if a Priſoner for Debt] *and that you have not been before polled at this Election.*

So help you God.

And if any Perſon ſhall refuſe to take the Oaths hereby appointed to be taken, or, being a Quaker, ſhall refuſe to make ſuch ſolemn Affirmation, (which Oaths or Affirmations the Mayor or his Deputy, or ſuch ſworn Clerks as ſhall be by him or his Deputy appointed, ſhall adminiſter) then the Poll or Vote of the Perſon ſo refuſing ſhall be void, and as ſuch ſhall be rejected and diſallowed.

XVII. *Sect.* 3. In every Election of a Citizen to ſerve for the City of *Norwich* in Parliament, or for a Mayor, Sheriff, Alderman, or Common-Council Man, one of the Clerks, a Swearer, and a Clerk belonging to the Poll-Book of any Candidate, ſhall be admitted to go into the Common Gaol, or any other Priſon of the City, to take the Votes of ſuch Freemen confined there for Debt, as ſhall have a Right to vote at ſuch Election; and the Sheriff, Gaoler, or Priſon-Keepers are to admit ſuch Clerks to go

into the Priſons, and to take the Votes of ſuch Priſoners, on Penalty of 50 *l.* on every Refuſal.

XVIII. *Sect.* 4. On the Election for a Mayor, Sheriff, Alderman, or Common-Council Man, every Perſon having a Right to vote at ſuch Election, ſhall, before he is admitted to poll, if required by One of the Clerks, firſt take the Oaths by the Act 1 *G.* 1. *c.* 13. *For the further Security of his Majeſty's Perſon and Government*, &c. appointed to be taken, or being a Quaker, ſolemnly affirm the Effect thereof; and on his Refuſal, his Poll or Vote ſhall be rejected and diſallowed; and the preſiding Officer at every Election, and ſuch ſworn Clerks as ſhall be appointed by him, are to adminiſter the ſaid Oaths and Affirmations, on Penalty for every Refuſal to forfeit 50 *l.* beſides Coſts of Suit.

XIX. *Sect.* 5. If any Perſon ſhall wilfully, falſly, and corruptly take the Oaths or Affirmations appointed by this Act, and be thereof lawfully convicted by Indictment or Information, he ſhall for every ſuch Offence incur and ſuffer ſuch Penalties, Forfeitures, and Diſabilities, as Perſons convicted of wilful and corrupt Perjury, at the Common Law are liable to.

XX. *Sect.* 6. For the Future no more than Three Common-Council Men for each great Ward of the City, ſhall be yearly elected by the Freemen of each great Ward, on the Days appointed for ſuch Elections by the Charters of the City; and ſuch Three Common-Council Men ſhall be elected at one Poll; and every Elector ſhall (after having taken the Oath or Affirmation) declare to the Clerk the Names of ſuch Candidates as he ſhall poll for, not exceeding the Number of Three.

XXI. *Sect.* 7. The Common-Council Men ſo elected for each great Ward, or the major Part of them, ſhall, within Forty-eight Hours after their Elections, or within Six Days after ſuch Scrutinies as ſhall be demanded on their Polls, are finiſhed, on Notice thereof from the Mayor or his Deputy, elect the remaining Number of Common-Council Men, directed to be elected by the Charters of the City for each great Ward, for which ſuch Three Common-Council Men ſhall be elected; and if they or the major Part of them, ſhall not, within the ſaid Time, elect the remaining Number of Common-Council Men, and deliver in Writing to the Mayor, or his Deputy, the Names of ſuch Common-Council Men, ſo by them elected; then every one of the Three Common-Council Men ſo choſen for each great Ward, who ſhall refuſe to make ſuch Election, and to deliver in Writing to the Mayor, or his Deputy, the Names of the Perſons by them elected, ſhall forfeit 50 *l.*

XXII. *Sect.* 8. The remaining Number of Common-Council Men, to be elected for each great Ward, by the Three Common-Council Men ſo choſen, ſhall be as effectually of the Common-Council, as if they had been elected by the Freemen of the reſpective Wards.

XXIII. *Sect.* 9. If any Perſon, who ſhall be elected of the Common-Council, ſhall refuſe to ſerve, or ſhall happen to die, the Three firſt Common Council Men enter'd in the Aſſembly-Book for the Ward where ſuch Vacancy ſhall happen, are, in Forty-eight Hours after Notice of the ſame from the Mayor, to fill up ſuch Vacancy, by electing others in their Stead, for the remaining Part of the Year.

XXIV. *Sect.* 10. The Mayor, or his Deputy appointed by him under his Hand and Seal; and in Caſe of the Death of the Mayor, the ſurviving Juſtice of the Peace, who laſt ſerved the Office of Mayor, ſhall be the preſiding Officer at every Election of a Mayor, Sheriff, Alderman and Common-Council Men, and ſuch Scrutinies as ſhall be demanded thereupon.

XXV. *Sect.* 11. No Perſon ſhall be ſubject to be elected into the Office of Sheriff of *Norwich*, who is not an Inhabitant of that City at the Time of ſuch Election.

XXVI. *Sect.* 12. No Act, Order, or Ordinance whatſoever, at any Time after the Twenty-fifth of *April*, 1730, ſhall be made in the Common-Council or Aſſembly of the repreſentative Body of the City, without the Aſſent of the Mayor, Sheriffs, and Aldermen, preſent at ſuch Common-Council, or the major Part of them, nor without the Aſſent of the Commons preſent at ſuch Aſſembly, or the major Part of them.

XXVII. *Sect.* 13. Nothing in this Act ſhall extend to hinder the Mayor elect, and the Mayor for the Time being, to appoint for the Time of his Mayoralty a Sword-Bearer, and Ward-Officers, and ſuch other inferior Officers, as it has been cuſtomary for the Mayor to elect, or the Mayor for the Time being, to nominate.

XXVIII. *Sect.* 14. The Mayor ſhall ſummon the Sheriffs, Aldermen, and Common-Council Men to meet at the quarterly Aſſemblies according to Cuſtom; and if one of the Sheriffs, and the major Part of the Aldermen and Common-Council Men, ſhall neglect to meet at the *Guild-Hall* of the City, at the Time appointed by the Mayor for holding an Aſſembly, upon Notice left in Writing at their Houſes, at leaſt Twenty-four Hours before the Time appointed for ſuch Meeting, then ſuch Sheriff, Alderman, and Common-Council Men as ſhall be abſent, ſhall forfeit 5 *s.* over and above ſuch Proſecutions as they may be ſubject to by Law; and every Sheriff, Alderman, and Common-Council Man, who

ſhall depart from any Aſſembly without the Conſent of the Mayor, ſhall forfeit 10 *s.* to be paid to the Chamberlain for the Uſe of the City, over and above ſuch Proſecutions as they may be ſubject to by Law.

XXIX. *Sect.* 15. All Penalties and Forfeitures by this Act impoſed, (except the 5 *s.* and 10 *s.*) ſhall be proſecuted and recovered by Action of Debt in any Court of Record at *Weſtminſter*, in the Name of the Chamberlain of the City; and when recovered, ſhall be to the Uſe of the City; and the Forfeitures of 5 *s.* and 10 *s.* ſhall be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hands and Seals of Two Juſtices of the Peace of the City, and paid to the Chamberlain, reſtoring the Offenders the Overplus.

XXX. *Sect.* 16. This Act ſhall in all Courts and Places be deemed a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices and Courts whatſoever, without ſpecially pleading the ſame.

Oaths.

I. Stat. 13 G. 1. *cap.* 29. *Sect.* 1. NOthing contained in the Act 25 *Car.* 2. *c.* 2. *For preventing Dangers which may happen from Popiſh Recuſants*, nor in the Act 1 G. 1. *c.* 13. *For the further Security of his Majeſty's Perſon and Government*, &c. ſhall extend to any Perſon, who, on the Seventeenth of *January*, 1726, or at any Time after, was or ſhall be in his Majeſty's Fleet, or in his Service beyond the Seas, at ſuch Time as any Office, Place, Preferment, Employment, Pay, Salary, Fee or Wages, was, were, or ſhall be granted to, or conferred upon him, or who, by Virtue of either of the ſaid Acts, ought to receive the Sacrament, or take the Oaths, and make and ſubſcribe the Declaration in the laſt Act mentioned, and directed by the Laws now in Force to be received, taken, made and ſubſcribed, in reſpect of any ſuch Office, Place, &c. ſo as ſuch Perſon do, within Three Kalendar Months after his Return into *Great Britain*, receive the Sacrament, take and ſubſcribe the ſaid Oaths, and make and ſubſcribe the ſaid Declaration, as the Caſe ſhall require.

II. *Sect.* 2. All Perſons, who at any Time heretofore were on Board the Fleet of his Majeſty, or of any of his Predeceſſors, or in his or their Service beyond the Seas, at ſuch Time as any Office, &c. has been granted to, or conferred upon them, and who, by Virtue of either of the

ſaid

ſaid Acts, or of any other Act, ought to have received the Sacrament, or taken the Oaths, &c. ſhall be indemnified and diſcharged of and from all Diſabilities, Incapacities, Forfeitures and Penalties incurred by Reaſon of the ſaid Acts, notwithſtanding any Omiſſion or Neglect to receive the Sacrament and take the Oaths, &c. and no Act done by them, or by Authority derived from them, ſhall be queſtioned or avoided by Reaſon of any ſuch Omiſſion or Neglect; but all ſuch Acts are hereby declared to be as good and effectual as if ſuch Perſons had received the Sacrament, &c. provided that ſuch Perſons did, within Three Kalendar Months after their Return into *Great Britain*, receive the Sacrament, &c. in ſuch Manner and Form, and in ſuch Places, as by the before-mentioned Acts is directed.

III. *Sect.* 3. All Perſons, who on the Seventeenth of *January*, 1726, or at any Time ſince that Day, were in the actual Poſſeſſion of any Office or Employment, Civil or Military, or did receive any Pay, Salary, Fee, or Wages, by Reaſon of any Patent or Grant from his Majeſty, or any of his Predeceſſors, or who had any Command or Place of Truſt from or under his Majeſty, &c. or by his or their Authority, or by Authority derived from any of them; and all other Perſons, that were by the ſaid Acts, or any other Act now in Force, required to receive the Sacrament, and take the Oaths, &c. are hereby confirmed in their Offices and Employments, and indemnified, freed, and diſcharged of, and from all Diſabilities, Incapacities, Forfeitures and Penalties incurred by Reaſon of any of the ſaid Acts, notwithſtanding any Omiſſion or Neglect to receive the Sacrament, &c. and all Acts done by them, or by any Authority derived from them, ſhall not be queſtioned or avoided by Reaſon of ſuch Omiſſion or Neglect; but all ſuch Acts are hereby declared to be as good and effectual as if ſuch Perſons had received the Sacrament, &c. Nevertheleſs ſo as ſuch Perſons do receive the Sacrament, and take the Oaths, &c. on or before the laſt Day of *Michaelmas* Term, which ſhall be in the Year 1727.

IV. *Sect.* 4. The Space of Three Months, in the ſaid Acts, or in any other Acts limited for receiving the Sacrament, &c. was meant, and ſhall be taken to be Three Kalendar Months, and the ſame ought at all Times to have been ſo conſtrued.

V. *Sect.* 5. This Act, or any Thing therein contained, ſhall not extend to reſtore or intitle any Perſon to any Office, Employment, Benefice, Matter or Thing whatſoever, already actually avoided by Judgment of any Court of Record, or already filled up and enjoyed by another Perſon; but ſuch Office, &c. ſhall remain in the Perſons who

are intitled by Law to the ſame, as if this Act had never been made.

VI. *Sect.* 6. If any Officer now, or hereafter being on Board the Fleet, or in the Service beyond the Seas; or if any of his Majeſty's Subjects, who have omitted to receive the Sacrament, *&c.* as by the ſaid Acts they ought to have done, (except all ſuch Perſons who at any Time heretofore were on Board the Fleet, or in the Service beyond the Seas, at the Time any Office, Employment, Pay or Salary was granted them, and who within Three Kalendar Months after their Return, did receive the Sacrament, *&c.*) ſhall make Default in ſo doing, within the Times, and according to the Directions in this Act limited and appointed, every Perſon ſo making Default, ſhall be liable to and incur all ſuch Diſabilities, Incapacities, Forfeitures and Penalties as by the recited Acts are provided and inflicted for not receiving the Sacrament, or not taking the Oaths, *&c.* And in Caſe of executing any ſuch Office or Place after ſuch Default, every Perſon being thereof lawfully convicted in ſuch Manner as by the ſaid Act 25 *Car.* 2. *c.* 2. or the Act 1 *G.* 1. *c.* 13. is reſpectively directed, ſhall be liable to, and incur all ſuch Diſabilities, Incapacities, Forfeitures and Penalties as in the ſaid Acts are provided and inflicted.

VII. Stat. 1 *G.* 2. *c.* 5. *Seſſ.* 1. *Sect.* 1. If any Perſon, having at the Demiſe of his late Majeſty King *George* the Firſt, of Glorious Memory, any Office, Place or Employment in the Kingdom of *Ireland*, and is or ſhall be reſiding in *England*, and ſhall on or before the Twenty-eighth of *November*, 1727, there take the Oaths by the Act 6 *A.* *c.* 7. directed, and do all other Acts required by the Laws of this Realm, to qualify Perſons to continue in Offices or Places of Truſt under his Majeſty, within *England*, (the taking the uſual Oaths of ſuch Offices, Places or Employments excepted) and ſhall do the ſame in ſuch Places and Courts, and before ſuch Perſons, and in ſuch Manner as by the Laws and Statutes is required, the taking ſuch Oaths, and doing ſuch Acts within *England*, ſhall be of the ſame Force and Effect to qualify ſuch Perſon to be and continue in ſuch Offices, *&c.* in the Kingdom of *Ireland*, as by the ſaid Act of 6 *Ann.* is directed, and to all other Intents and Purpoſes, as if ſuch Perſons had taken the Oaths and done ſuch other Acts within *Ireland*, and in ſuch Courts, and Manner as to qualify Perſons to continue in ſuch Offices, *&c.* in that Kingdom, is by the Laws in Force there directed.

VIII.

VIII. *Sect.* 2. So much only of the Acts 4 *A. c.* 7. and 6 *A. c.* 8. as requires any Perſon to take the uſual Oath of his Office, Place or Employment, in Reſpect of his being continued therein for the Space of Six Months, is hereby repealed; and no Perſon, who, at the Time of the Demiſe of his late Majeſty was poſſeſſed of any Office, *&c.* and was continued therein by Force of the ſaid Acts, or either of them, ſhall incur or ſuffer any Pains, Penalties or Diſabilities, in Reſpect of his or their having acted in ſuch Office, *&c.* without taking the uſual Oath thereof, ſince the Demiſe of his late Majeſty; and all Acts done, or to be done by ſuch Perſons, or by Authority derived from them, ſhall be of the ſame Force and Effect to all Intents and Purpoſes, as they would have been if ſuch Perſons had taken the uſual Oath of their Office, *&c.* ſince the Death of his late Majeſty.

IX. *Sect.* 3. If any Perſons, having at the Time of the Demiſe of his late Majeſty, any Office, Place or Employment within the Kingdom of *Great Britain* or *Ireland*, the Iſles of *Jerſey*, *Guernſey*, *Alderney* or *Sarke*, or any of his Majeſty's Plantations, ſhall, on or before the Twenty-eighth of *November*, 1727, take the ſaid Oaths, and do all other Acts requiſite by Law to qualify themſelves to continue in ſuch their Offices, *&c.* (the uſual Oaths of ſuch Offices, *&c.* excepted) in ſuch Places and Courts, and before ſuch Perſons, and in ſuch Manner as they ought to do, had they been newly elected, conſtituted, or put into ſuch Offices, *&c.* in the uſual Way, the taking of ſuch Oaths, and doing ſuch Acts within the Time aforeſaid, ſhall be of the ſame Force and Effect, to all Intents and Purpoſes, as if ſuch Perſons had taken the Oaths, and done ſuch Acts within the Times appointed by any former Law for that Purpoſe.

X. *Sect.* 4. If any Perſons, who at the Time of the Demiſe of his late Majeſty, were poſſeſſed of any Office, *&c.* Civil or Military, within *Great Britain*, and now are, or at the Time of ſuch Demiſe, were beyond the Seas, ſhall, within Three Kalendar Months after their Return into *Great Britain*, take the ſaid Oaths, and do all other Acts requiſite by Law to qualify them to be and continue in ſuch Offices, *&c.* (except the Oath of ſuch Office, *&c.*) in ſuch Manner and Form, and in ſuch Place as aforeſaid; the taking ſuch Oaths, and doing ſuch Acts by Perſons ſo beyond the Seas, within the Time and the Manner laſt mentioned, ſhall be of the ſame Force and Effect to all Intents and Purpoſes, as if ſuch Perſons had taken ſuch Oaths, and done ſuch other Acts within the Time limited by the recited Acts.

XI. *Sect.* 5. If any Perſon now reſiding in *England*, and poſſeſſed of any Office in *Ireland*, ſhall, on or before the Twenty-eighth of *November*, 1727, be newly conſtituted by his Majeſty to the ſame Office, it ſhall be lawful for ſuch Perſon to take the uſual Oath of ſuch Office before the Chancellor of his Majeſty's Court of Exchequer at *Weſtminſter*, or any one of the Barons of the ſame Court, who are hereby required to adminiſter ſuch Oath; the Tenor of which Oath of Office, the Lord High Chancellor, or the Commiſſioners for the Cuſtody of the Great Seal of *Ireland*, for the Time being, is, and are hereby required to tranſmit, atteſted under his or their Hands, to the Chancellor and Barons of the ſaid Court of Exchequer; and the Chancellor, and ſuch of the Barons who ſhall reſpectively adminiſter ſuch Oaths of Office, is to certify the Taking thereof under his Hand and Seal, to the Lord High Chancellor, &c. of *Ireland*, within Three Kalendar Months after the taking ſuch Oath; and the Certificate ſhall remain of Record in the High Court of Chancery in *Ireland*.

XII. *Sect.* 6. It ſhall be lawful for all ſuch Perſons, newly conſtituted to ſuch Offices, Places or Employments in *Ireland*, within Three Kalendar Months after their being admitted into, or entring upon ſuch Offices, &c. to take the Oaths by the recited Act directed, and to do all other Acts requiſite by the Laws of this Realm, to qualify Perſons to hold Offices of Truſt under his Majeſty, in *England*; and to do and perform the ſame in ſuch Places and Courts, and before ſuch Perſons, and in ſuch Manner as by the Laws is required; and the taking ſuch Oaths, and doing ſuch Acts in *England*, ſhall be of the ſame Force and Effect for qualifying ſuch Perſons to hold ſuch Offices, &c. in *Ireland*, as if they had taken the Oaths, &c. in *Ireland*.

XIII. *Sect.* 7. By this Clauſe it is declared and enacted, That it was the true Intent and Meaning of the recited Act, that neither the Office of Sheriff of the County of *Cornwall*, nor the Office of Sheriff of the County Palatine of *Cheſter*, for the Time being, within the Principality of *Wales*, Dutchy of *Cornwal*, or County Palatine of *Cheſter*, ſhould become vacant on the Demiſe of his late Majeſty, or of his Majeſty, his Heirs or Succeſſors, or by Reaſon of the Determination of any Grant of the Principality of *Wales* or Earldom of *Cheſter*, or by Reaſon of any Deſcent of the ſaid Dutchy, or of the Cuſtody thereof coming to the Crown; but that the ſaid Sheriffs, and all other Sheriffs, of the County of *Cornwall*, and County Palatine of *Cheſter*, and all other the Officers aforeſaid, ſhould and ought to continue, and ſhall and may continue in ſuch Offices, &c. for the Space of Six Months, from the Demiſe of his late Majeſty, or

or of his Majeſty, his Heirs and Succeſſors, or any Determination of any Grant of the Principality of *Wales*, &c. unleſs ſooner removed or diſcharged by his Majeſty, his Heirs or Succeſſors, or by the Prince of *Wales*, Duke of *Cornwall*, or Earl of *Cheſter* for the Time being.

XIV. *Sect.* 8. During the Minority of his Royal Highneſs the Prince, now Duke of *Cornwal*, his Majeſty may appoint the Sheriff of the County of *Cornwall*, in ſuch Manner and Form as the Sheriff of the ſaid County hath been uſually appointed, when the Cuſtody of the ſaid Dutchy hath been veſted in the King or Queen of this Realm, and all other Officers and Perſons who are poſſeſſed of any Office, Civil or Military, by the Nomination or Appointment of his preſent Majeſty, when Duke of *Cornwall*, to hold during the Pleaſure of his Majeſty as Duke of *Cornwall*, within the ſaid Dutchy, ſhall continue in their reſpective Offices, &c. during the Pleaſure of his Royal Highneſs the Prince.

XV. *Sect.* 9. The Right Reverend Father in God, *John*, Lord Biſhop of *Clogher* in *Ireland*, who at the Time of the Demiſe of his late Majeſty was Vice-Chancellor of the Univerſity of *Dublin*, which Office became vacant by his Majeſty's Acceſſion to the Throne, ſhall be continued therein from the Demiſe of his late Majeſty, 'till ſome other Perſon ſhall be duly appointed to ſucceed him in that Office.

XVI. Stat. 1 G. 2. *Seſſ.* 2. *c.* 23. *Sect.* 1. Every Perſon who ſhall by the Twenty-eighth of *November*, 1728, take and ſubſcribe the Oaths or Aſſurance, in ſuch Caſes where by Law they ought to have been taken and ſubſcribed, in ſuch Manner, and at ſuch Places as are appointed by the Act 1 G. 1. *c.* 13. and alſo receive the Sacrament as is directed by 25 *Car.* 2. *c.* 2. and make and ſubſcribe the Declaration againſt Tranſubſtantiation, in ſuch Caſes where the Sacrament ought to be received, and the ſaid Declaration made and ſubſcribed, ſhall be indemnified from all Penalties, Forfeitures, Incapacities and Diſabilities incurred by Reaſon of any former Neglect or Omiſſion of taking and ſubſcribing the ſaid Oaths, &c. and ſhall be recapacitated and reſtored to the ſame State and Condition, as they were in before ſuch Neglect or Omiſſion, and ſhall be deemed to have duly qualified themſelves according to the abovementioned Acts; and all Acts done by them, or by Authority derived from them, ſhall be of the ſame Force and Validity as the ſame would have been, if ſuch Perſons had duly qualified themſelves by taking and ſubſcribing the ſaid Oaths, &c. according to the ſaid Acts.

XVII. *Sect.* 2. Every Perſon who hath, ſince the Eleventh of *June*, 1727, taken and ſubſcribed the above-mentioned Oaths,

Oaths, or Aſſurance reſpectively, and received the Sacrament, and made and ſubſcribed the Declaration in ſuch Caſes where the Sacrament ought to be taken, and the ſaid Declaration made and ſubſcribed, ſhall likewiſe be fully indemnified and recapacitated, as aforeſaid; and the Acts done by them, or by Authority derived from them, ſhall be of ſuch Force and Validity as is above-mentioned, notwithſtanding ſuch Oaths or Aſſurance were not taken, &c. within the Times by Law appointed for thoſe Purpoſes.

XVIII. *Sect.* 3. This Act, or any Thing herein contained, ſhall not extend to reſtore or entitle any Perſon to any Office, Employment, Beneſice, &c. already avoided by Judgment of any Court of Record, or already filled up or enjoyed by another Perſon; but ſuch Office, &c. ſhall be and remain to the Perſon who is now entitled by Law to the ſame.

XIX. *Sect.* 8. So much of the Acts 4 *A.* *c.* 8. and 6 *A.* *c.* 7. as requires any Perſons to take the Oaths therein mentioned, or to do any other Act requiſite by the Laws and Statutes of this Realm, to qualify themſelves in Reſpect of their being continued in any Office or Employment, for the Space of Six Months after the Demiſe of her ſaid late Majeſty, her Heirs or Succeſſors, ſhall be, and is hereby abſolutely repealed.

XX. Stat. 2 G. 2. *c.* 31. *Sect.* 1. All Perſons who ſhall, on or before the Twenty-eighth of *November*, 1729, take and ſubſcribe the Oaths appointed by the Act 1 G. 1. *c.* 13. in ſuch Caſes wherein by Law they ought to have been taken and ſubſcribed, in ſuch Manner, and at ſuch Places, as are by the ſaid Act directed, and alſo receive the Sacrament of the Lord's Supper, according to the Uſage of the Church of *England*, and make and ſubſcribe the Declaration againſt Tranſubſtantiation, in ſuch Caſes wherein the ſaid Sacrament ought to have been received, and the ſaid Declaration made and ſubſcribed, ſhall be indemnified and diſcharged from all Penalties, Forfeitures, Incapacities and Diſabilities incurred by Reaſon of any former Neglect or Omiſſion of taking or ſubſcribing the ſaid Oaths, &c. and are hereby fully recapacitated and reſtored to the ſame State and Condition, as they were in before ſuch Neglect or Omiſſion, and ſhall be deemed to have duly qualified themſelves according to former Acts; and all Acts done by them, or by their Authority, ſhall be of the ſame Force and Validity as they would have been, if ſuch Perſons had taken the ſaid Oaths, &c. according to the Directions of the former Acts, and within the Time appointed thereby.

XXI. *Sect.* 2. This Act ſhall not extend to reſtore or intitle any Perſon to any Office or Employment, Beneſice,

Matter

Matter or Thing whatſoever, already actually avoided by Judgment of any of his Majeſty's Court of Record, or already filled up and enjoyed by any other Perſon; but ſuch Office, &c. ſo avoided, &c. ſhall remain to the Perſon now entitled to the ſame, as if this Act had not been made.

XXII. *Sect.* 3. So much of the ſaid Act 1 *G.* *c.* 13. as requires Perſons to take and ſubſcribe the Oaths therein mentioned within Three Months after they ſhall be admitted into, or enter upon ſuch Preferment, Benefice, Office or Place, or come into ſuch Capacity, or take upon them ſuch Practice, Employment or Buſineſs as therein is mentioned, ſhall be, and is by this Act abſolutely repealed.

XXIII. *Sect.* 4. All Perſons that ſhall be admitted, entered, placed or taken into any Office, Civil or Military, or ſhall receive any Pay, Salary, Fee or Wages, by Reaſon of any Patent or Grant from his Majeſty, his Heirs or Succeſſors, or ſhall have Command or Place of Truſt under his Majeſty, or by his Authority, or by Authority derived from him, in *England*, or in his Majeſty's Navy, or in the Iſlands of *Jerſey* or *Guernſey*, or that ſhall be admitted into any Office, Service or Employment in the Houſhold of his or her Majeſty, or of the Prince of *Wales*, or any other of his Majeſty's Iſſue; and all Eccleſiaſtical Perſons, Heads, or Governors, of what Denomination ſoever, and all other Members of Colleges and Halls within either of the Univerſities of *Oxford* or *Cambridge*, that are of the Foundation, or that enjoy any Exhibition, being of the Age of Eighteen Years; and all Perſons teaching or reading to Pupils, in either of the ſaid Univerſities, or elſewhere; and all School-maſters and Uſhers, and all Preachers and Teachers of ſeparate Congregations, High Conſtables, and every Perſon who ſhall act as a Serjeant at Law, Counſellor at Law, Barriſter, Advocate, Attorney, Solicitor, Proctor, Clerk, or Notary by practiſing in any Manner as ſuch, in any Court in *England*, who ſhall, at any Time after the Twenty-firſt of *January*, 1728, be admitted into any of the above-mentioned Preferments, &c. or ſhall come into any ſuch Capacity, or ſhall take upon him any ſuch Place, Employment or Buſineſs, ſhall take and ſubſcribe the Oaths appointed by the Act of 1 *G.* 1. *c.* 13. at ſuch Places, and in ſuch Form, as by the ſaid Statute is directed, in the Court of Chancery, King's Bench, Common Pleas or Exchequer, at any Time before the End of the next Term after he ſhall be admitted into ſuch Preferment, &c. or at any Time before the End of the next Quarter-Seſſions of the County, City, or Place where ſuch Perſons ſhall be or reſide after he ſhall be ſo admitted, &c.

XXIV.

XXIV. *Sect.* 5. This Act ſhall not extend to any Perſon beyond the Seas, ſo as ſuch Perſon do, within Four Months after his Return to *England*, take and ſubſcribe the ſaid Oaths, *&c.* as are appointed by the ſaid Act of 1 *G.* 1. *c.* 13. and do alſo receive the Sacrament, and make the Declaration againſt Tranſubſtantiation, in Caſes where they ought to be received or made.

XXV. *Sect.* 6. Every Perſon who ſhall neglect or refuſe to take the ſaid Oaths, or either of them, within the Time, and at the Places aforeſaid, according to the Directions of this Act, ſhall be liable to, and incur, all ſuch Diſabilities, Incapacities, Forfeitures and Penalties, as by the ſaid Act of 1 *G.* 1. *c.* 13. are provided and inflicted for not taking the ſaid Oaths, and in Caſe of executing any ſuch Office, *&c.* after ſuch Neglect or Refuſal, every ſuch Perſon being lawfully convicted thereof, as by the ſaid Act is directed, ſhall be liable to all the Diſabilities, *&c.* as by the ſaid Act are in the like Caſe provided and inflicted, to be proſecuted, ſued for, and recovered in ſuch Manner as therein is preſcribed.

XXVI. *Sect.* 7. All the Powers, Authorities, Conditions, Directions and Proviſions, in and by the ſaid Act of 1 *G.* 1. *c.* 13. enacted and provided, relating to the taking and ſubſcribing the ſaid Oaths, or the Neglect or Refuſal thereof, ſhall be adjudged to be in full Force, as if the ſame were herein particularly inſerted and re-enacted, ſaving as to the Alteration hereby made in Reſpect of the Times limited for Taking the ſaid Oaths; and ſaving alſo as to the Indemnity hereby granted to ſuch, who, on or before the Twenty-eighth Day of *November* next, ſhall take and ſubſcribe the ſaid Oaths.

XXVII. *Sect.* 8. All Maſters, Fellows, Chaplains and Tutors, of or in any College, Hall, Houſe of Learning, or Hoſpital, and every publick Profeſſor and Reader in any of the Univerſities, who have neglected or omitted to ſubſcribe the Declaration mentioned in 13 & 14 *Car.* 2. *c.* 4. (*which ſee in* Vol. III. Tit. Service and Sacraments.) and ſhall, before the Twenty-fifth of *December*, 1729, take and ſubſcribe the ſaid Declaration before ſuch Perſon, and in ſuch Manner as required by the ſaid Act, or any other Act, ſhall be indemnified from all Forfeitures, Diſabilities and Incapacities, inflicted by the ſaid Act, and ſhall be reſtored to their reſpective Headſhips, Fellowſhips, Profeſſors Places, and Readers Places: Provided, that this Act ſhall not extend to reſtore any ſuch Perſon to any Headſhip, *&c.* who through ſuch Omiſſion hath forfeited the ſame, and which is already filled up, or enjoy'd by any other Perſon.

XXVIII.

XXVIII. *Sect.* 9. So much of the Act 30 *Car.* 2. as requires the King's and Queen's Sworn Servants to repeat and ſubſcribe a Declaration therein directed againſt Tranſubſtantiation, ſhall be repealed; and if any ſuch Perſon hath offended contrary to ſuch Part of the ſaid Act, intended to be hereby repealed, he ſhall be freed from all Penalties and Incapacities incurred thereby.

Paper.

I. Stat. 11 G. 1. *c.* 7. *Sect.* 4. AFTER the Twenty-fifth of *March*, 1725, the Acts 10 *A. c.* 19. and 12 *A. Seſſ.* 2. *c.* 9. ſo far as they relate to the levying the new Duties of 20 *l. per Cent.* and 10 *l. per Cent.* on all Paper, white or brown, or of any other Colour, imported, not particularly charged in the ſaid Acts, according to ſuch Valuation thereof, on the Oath or Affirmation of the Merchant or Importer, are hereby repealed; and inſtead thereof, the ſaid new Duties of 20 *l. per Cent.* and 10 *l. per Cent.* ſo payable *ad valorem*, ſhall be paid, over and above the Subſidies and other Duties on unrated Paper, and during the Continuance of the ſaid Acts of 10 and 12 *A.* according to the Rates and Values ſet upon the ſeveral Kinds and Sorts of unrated Paper, mentioned in the Book of Rates, ſigned by the Right Honourable *Spencer Compton*, Eſq; Speaker of the Honourable Houſe of Commons.

II. *Sect.* 5. If any new Fabrick, or Sorts or Kinds of Paper, ſhall be imported, which are not particularly valued in the Book of Rates, or in any Act of Parliament, ſuch Paper ſhall pay the reſpective Duties charged thereon, according to the Values and Rates of thoſe Sorts or Kinds of Papers, which are neareſt above in Size and Goodneſs to the ſeveral Sorts or Kinds of Papers, rated in the reſpective Book of Rates by this or any former Act, without Diſtinction of Country or Place from whence it ſhall be imported.

III. *Sect.* 10. After the Twenty-fifth of *March*, 1725, it ſhall be lawful to import old Rags, old Ropes or Junks, or old Fiſhing-Nets, fit only for the making of Paper or Paſtboard, without paying any Duty for the ſame; ſo as an Entry be made thereof in the Cuſtom-Houſe of the Port into which the ſame ſhall be imported, in the ſame Manner and Form, expreſſing the Quantities and Qualities of the ſaid Goods, as was uſed before the making this Act, and

and ſo as the ſame be landed in the Preſence of the proper Officer, and on Failure of ſuch Conditions ſuch Goods ſhall be liable to Forfeiture, and may be ſeized and proſecuted, and the Value thereof divided, as if this Act had not been made.

Papiſts.

I. Stat. 3. G. 2. c. 29. *Sect.* 6. Every Deed and Will made ſince the Twenty-ninth of *September*, 1717, in order to paſs, alter or change any Manors, Lands, Tenements, Hereditaments, or any Intereſt therein, or Rent or Profit thereout, from any Papiſt or Perſon profeſſing the Popiſh Religion, though not inrolled, ſhall be as good and effectual in the Law, as the ſame would have been in Caſe the ſaid Deeds and Wills had been inrolled within the Times limited in the Clauſes in the Acts 1 G. 1. c. 18. and 10 G. 1. c. 4. for the Inrolment thereof: Provided the ſame Deeds and Wills ſhall be inrolled before the Twenty-ninth of *September*, 1731, in the ſame Manner as by the Clauſe in the firſt mentioned Act is directed.

II. *Sect.* 7. Nothing herein contained ſhall extend to make good any ſuch Deed or Will, or Leaſe already made, and not inrolled, of the want of Inrolment whereof Advantage ſhall have been taken by the Twenty-fifth of *March*, 1730, but every ſuch Deed, Will and Leaſe ſhall remain of ſuch Force and Effect only, as the ſame would have had if this Act had never been made, and of n ne other.

Parliament.

I. Stat. 2 G. 2. c. 24. *Sect.* 1. After the Twenty-fourth of *June*, 1729, upon every Election for any Member to ſerve for the Commons in Parliament, every Freeholder, Citizen, Freeman, Burgeſs, or Perſon having or claiming a Right to vote, or be polled at ſuch Election, ſhall, before he is admitted to poll, take the following Oath, (or being a Quaker, ſhall make the ſolemn Affirmation appointed for Quakers) in Caſe the ſame be demanded by either of the Candidates, or any Two of the Electors, that is to ſay,

I A. B. *do ſwear* (or being one of the People called *Quakers I* A. B. *do ſolemnly affirm*) *I have not received, or had by my ſelf, or any Perſon whatſoever in Truſt for me, or for my Uſe and Benefit, directly or indirectly, any Sum or Sums of Money, Office, Place,*

Place or Imployment, Gift or Reward, or any Promiſe or Security for any Money, Office, Imployment, or Gift, in order to give my Vote at this Election, and that I have not been polled at this Election.

Which Oath or Affirmation the Officer preſiding, or taking the Poll, is to adminiſter *gratis*, on Forfeiture of 50 *l.* to the Perſon that ſhall ſue for the ſame, to be recovered with full Coſts, by Action of Debt, &c. in any Court of Record at *Weſtminſter*, wherein no Eſſoign, &c. or more than one Imparlance ſhall be allowed; and if the Offence be committed in *Scotland*, then to be recovered with full Coſts, by ſummary Action or Complaint before the Court of Seſſion, or by Proſecution before the Court of Juſticiary there, for every Neglect or Refuſal ſo to do; and no Perſon ſhall be admitted to poll, 'till he has taken the ſaid Oath, in a publick Manner, if demanded, before the Returning Officer, or others legally deputed by him.

II. *Sect.* 2. If any Sheriff, Mayor, Bailiff, or other Returning Officer, ſhall admit any Perſon to be polled without taking ſuch Oath or Affirmation, if demanded, ſuch Returning Officer ſhall forfeit 100 *l.* with full Coſts; and if any Perſon ſhall Vote or Poll, without having firſt taken the Oath; or, if a Quaker, made his Affirmation, if demanded, he ſhall incur the ſame Penalty to which the Officer is ſubject for the Offence above-mentioned.

III. *Sect.* 3. Every Sheriff, Mayor, Bailiff, Headborough, or other Perſon, being the Returning Officer of any Member to ſerve in Parliament, ſhall, immediately after the Reading the Writ or Precept for the Election of ſuch Member, take and ſubſcribe the following Oath, *viz.*

I A. B. *do ſolemnly ſwear, That I have not, directly nor indirectly, received any Sum or Sums of Money, Office, Place or Imployment, Gratuity or Reward, or any Bond, Bill, or Note, or any Promiſe or Gratuity whatſoever, either by my ſelf, or any other Perſon to my Uſe, or Benefit, or Advantage, for making any Return at the preſent Election of Members to ſerve in Parliament; and that I will return ſuch Perſon or Perſons as ſhall, to the beſt of my Judgment, appear to me to have the Majority of legal Votes.*

Which Oath any Juſtice of the Peace of the County, City, Corporation or Borough where the Election ſhall be made, or in his Abſence, any Three of the Electors, are required and authorized to adminiſter; and the Oath ſo taken, ſhall be entered among the Records of the Seſſions of ſuch County, &c.

IV. *Sect.* 4. Such Votes ſhall be deemed to be legal, which have been ſo declared by the laſt Determination in the Houſe of Commons, which Determination concerning any County, Shire, City, Borough, Cinque Port, or Place, ſhall be final to all Intents and Purpoſes, any Uſage to the contrary notwithſtanding.

V. *Sect.* 5. If any Returning Officer, Elector, or Perſon taking the Oath or Affirmation, ſhall be guilty of wilful Perjury, or of falſe Affirming, and be thereof convicted by due Courſe of Law, he ſhall incur and ſuffer the Pains and Penalties which by Law are inflicted in Caſes of wilful and corrupt Perjury.

VI. *Sect.* 6. No Perſon, convicted of wilful and corrupt Perjury, or Subornation of Perjury, ſhall, after ſuch Conviction, be capable of voting in any Election of a Member to ſerve in Parliament.

VII. *Sect.* 7. If any Perſon who hath, or claims to have, or hereafter ſhall have, or claim a Right to vote in any ſuch Election, ſhall, after the Twenty-fourth of *June*, 1729, aſk, receive, or take any Money or other Reward, by way of Gift, Loan, or other Device, or agree or contract for any Money, Gift, Office, Employment, or other Reward whatſoever, to give his Vote, or to refuſe or forbear to give his Vote in any ſuch Election; or if any Perſon by himſelf, or any Perſon employed by him, ſhall, by any Gift or Reward, or by any Promiſe, Agreement or Security for any Gift or Reward, corrupt or procure any Perſon to give his Vote, or to forbear to give his Vote in any ſuch Election, the Offender in any of the Caſes aforeſaid, ſhall for every Offence forfeit 500*l.* to be recovered as before directed, with full Coſts; and any Perſon offending in any of the ſaid Caſes, after Judgment obtained againſt him in any Action of Debt, *&c.* or ſummary Action or Proſecution, or being otherwiſe lawfully convicted thereof, ſhall be for ever diſabled to vote in any Election of Members to ſerve in Parliament; and alſo ſhall for ever be diſabled to hold, exerciſe, or enjoy any Office or Franchiſe, to which he then ſhall, or at any Time afterwards may be intitled, as a Member of any City, Borough, Town Corporate, or Cinque Port, as if ſuch Perſon was naturally dead.

VIII. *Sect.* 8. If any Perſon offending againſt this Act, ſhall, within Twelve Months next after ſuch Election, diſcover any other Perſon offending againſt this Act, ſo that the Perſon ſo diſcovered be thereof convicted, the Perſon ſo diſcovering, and not having before that Time been convicted of any Offence againſt this Act, ſhall be indemnified and diſcharged from all Penalties and Diſabilities which

which he ſhall then have incurred by any Offence againſt this Act.

IX. *Sect.* 9. Every Sheriff, Mayor, Bailiff, or other Officers, to whom the Execution of any Writ or Precept for electing any Member to ſerve in Parliament ſhall belong, ſhall, at the Time of ſuch Election, immediately after the Reading ſuch Writ or Precept, read, or cauſe to be read, openly before the Electors, this preſent Act, and every Clauſe therein; and the ſame ſhall alſo be openly read once in every Year, at the General Quarter-Seſſions of the Peace, to be held next after *Eaſter*, for any County or City; and at the Election of the Chief Magiſtrate in any Burrough, Town Corporate, or Cinque Ports, and at the Annual Election of Magiſtrates and Town Counſellors for every Borough in *Scotland*.

X. *Sect.* 10. Every Sheriff, Under-Sheriff, Mayor, Bailiff, and other Officers to whom the Execution of any Writ or Precept for the electing of Members to ſerve in Parliament doth belong, ſhall, for every wilful Offence, contrary to this Act, forfeit 50 *l.* to be recovered with full Coſts, in the Manner before directed.

XI. *Sect.* 11. No Perſon ſhall be made liable to any Incapacity, Diſability, Forfeiture or Penalty by this Act impoſed, unleſs Proſecution is commenced within Two Years after ſuch Incapacity, *&c.* ſhall be incurred, or in Caſe of a Proſecution, the ſame be carried on without Delay.

Perjury, and Subornation of Perjury.

I. Stat. 2 G. 2. *c.* 25. *Sect.* 2. The more effectually to deter Perſons from committing wilful and corrupt Perjury, or Subornation of Perjury; It is enacted, That, beſides the Puniſhment already to be inflicted by Law for ſo great Crimes, it ſhall be lawful for the Court, or Judge, before whom any Perſon ſhall be convicted of wilful and corrupt Perjury, or Subornation of Perjury, to order ſuch Perſon to be ſent to ſome Houſe of Correction within the ſame County for a Term not exceeding Seven Years, there to be kept to hard Labour during all that Time; or otherwiſe to be tranſported to ſome of his Majeſty's Plantations beyond the Seas, for a Term not exceeding Seven Years, as the Court ſhall think moſt proper; and thereupon Judgment ſhall be given, That the Perſon convicted ſhall be committed or tranſported accordingly, over and above ſuch Puniſhment as ſhall be adjudged to be inflicted on ſuch Perſon, agreeable to the Laws now in Being: And if Tranſportation be directed, the ſame ſhall be executed in

ſuch Manner, as is or ſhall be provided by Law for the Tranſportation of Felons; and if any Perſon ſo committed or tranſported, ſhall voluntarily eſcape or break Priſon, or return from Tranſportation, before the Expiration of the Term for which he ſhall be ordered to be tranſported, ſuch Perſon being thereof lawfully convicted, ſhall ſuffer Death as a Felon, without Benefit of Clergy; and ſhall be tried for ſuch Felony in the County where he eſcaped, or where he ſhall be apprehended.

II. *Sect.* 4. This Act ſhall not extend to *Scotland.*

III. *Sect.* 5. No Attainder for any Offence hereby made Felony, ſhall make or work any Corruption of Blood, Loſs of Dower, or Diſheriſon of Heirs.

IV. *Sect.* 6. This Act ſhall be of Force for Five Years, to be reckoned from the ſaid Twenty-ninth Day of *June*, 1729, and from thence to the End of the then next Seſſion of Parliament.

Phyſicians and Medicines.

I. Stat. 13 G. 1. *c.* 27. *Sect.* 3. The Act 10 G. 1. *c.* 20. *For the better viewing, ſearching and examining all Drugs, Medicines, Waters, Oils and Compoſitions uſed, or to be uſed in Medicines*, &c. (*which ſee in* Vol. VI. Tit. Phyſicians, &c.) which was to be in Force for Three Years, and from thence to the End of the then next Seſſion of Parliament, ſhall be continued from the Expiration thereof, during the Space of Three Years, and from thence to the End of the then next Seſſion of Parliament.

Pictures.

I. Stat. 11 G. 1. *c.* 7. *Sect.* 12. All Pictures imported after the Twenty-fifth of *March*, 1725. ſhall be meaſured and reduced to ſuperficial Meaſure; that is to ſay, every Picture which being reduced will produce a Square of Four Feet or upwards, ſhall be a Picture that ſhall contain Sixteen ſuperficial Feet, or upwards, and ſhall pay 3 *l.* every Picture of Two Feet ſquare, and under Four, ſhall, when reduced, produce Four ſuperficial Feet, or upwards, and under Sixteen ſuperficial Feet, and ſhall pay 40 *s.* and every Picture under Two Feet ſquare ſhall be a Picture, which, when reduced, ſhall produce leſs than Four ſuperficial Feet, and ſhall pay 20 *s.*

Piracy.

I. Stat. 2 G. 2. c. 28. Sect. 7. The Act 8 G. 1. c. 24. *For the more effectual ſuppreſſing of Piracy*, (which ſee in Vol. VI. *Tit.* Piracy,) which is near expiring, is hereby made perpetual.

Poor.

I. Stat. 3 G. 2. c. 29. *Sect.* 8. After the Twenty-fourth of *June*, 1730, the Witneſſes, who atteſted the Execution of Certificates of Settlements by the Church-wardens and Overſeers ſigning and ſealing the ſame, or one of the ſaid Witneſſes, ſhall make Oath before the Juſtices, who by the Act 8 & 9 *W.* 3. c. 30. are directed to allow the ſame, That ſuch Witneſs did ſee the Church-wardens and Overſeers ſeverally ſign and ſeal the ſaid Certificates, and that the Names of ſuch Witneſſes are of their own Hand Writing; and the Juſtices ſhall alſo certify that ſuch Oath was made before them; and every ſuch Certificate ſhall be allowed in all Courts, as duly and fully proved, and be taken as Evidence without other Proof; and all Certificates given in Purſuance of the ſaid Act, before the Twenty-fourth of *June*, 1730, ſhall be alſo allowed in all Courts as Evidence, without other Proof; provided the ſame are duly allowed by Two Juſtices of the Peace, as by the ſaid Act is directed.

II. *Sect.* 9. When any Overſeers of the Poor of any Pariſh, or other Perſons, ſhall remove back any Perſons and their Families, ſent thither by Certificate, and becoming chargeable, the Overſeers, or other Perſons, ſhall be reimburſed ſuch reaſonable Charges as they have been put to in maintaining and removing ſuch Perſons, by the Church-wardens or Overſeers of the Pariſh to which ſuch Perſons are removed; the Charges being firſt aſcertained by one or more Juſtices of the County to which ſuch Removal ſhall be made; which Charges ſo aſcertained, ſhall, in Caſe of Refuſal of Payment, be levied by Diſtreſs and Sale of the Church-wardens and Overſeers Goods, rendring the Overplus, by Warrant under the Hands and Seals of ſuch Juſtices, who are hereby required to grant ſuch Warrant.

Pretended Privileged Places.

I. Stat. 11 G. 1. c. 22. Sect. 1. If any Number of Perſons, not leſs that Three, ſhall, after the Firſt Day of *June*, 1725, within the Hamlet of *Wapping-Stepney*, or any other Place within the Limits of the Weekly Bills of Mortality of the Cities of *London* and *Weſtminſter*, wherein Perſons ſhall unlawfully aſſemble and aſſociate for the ſheltering themſelves from their Debts, of which Complaint ſhall have been made by a Preſentment of the Grand Jury, at a Quarter-Seſſions of the proper County, knowingly and wilfully obſtruct and oppoſe any Perſons ſerving, or endeavouring or attempting to ſerve or execute any Writ, Rule or Order of any Court of Law or Equity, or other legal Proceſs whatſoever, and ſhall, in making ſuch Obſtruction or Oppoſition, aſſault or abuſe any Perſon ſerving or executing any ſuch Writ, &c. or for having ſo done, whereby any ſuch Perſon ſhall receive any Bodily Hurt, the Offender, being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall be tranſported for Seven Years to his Majeſty's Plantations in *America*, by ſuch Ways and Methods, and in ſuch Manner, as Felons in other Caſes are by Law to be tranſported.

II. *Sect.* 2. On Complaint to a Judge of any Court, out of which the Writs and Proceſs herein after-mentioned ſhall iſſue, of ſome Obſtruction or Oppoſition within the ſaid Hamlet, or elſewhere within the ſaid Bills of Mortality, wherein Perſons ſhall unlawfully aſſemble and aſſociate for the ſheltering themſelves from their Debts, of which Complaint ſhall be made by a Preſentment of the Grand Jury at a Quarter-Seſſions of the proper County, by any Perſons who have Debts due to them from any Perſons ſheltering as aforeſaid, the Creditor having any legal Writ or Proceſs, and making Oath before ſuch Judge, that a Debt exceeding 50 *l.* is juſtly due to him from the Perſon againſt whom ſuch Complaint ſhall be made, and that ſuch Creditor verily believes that the Perſon reſides and is ſheltered within ſuch Place, as ſhall in ſuch Oath be particularly mentioned, ſuch Judge is hereby authorized (if he find it requiſite) to iſſue his Order to the Sheriff, his Deputy or Officers, ſtrictly enjoyning him, under ſuch Penalty as by this Act is preſcribed for Non-performance of his Duty therein, to raiſe and take the *Poſſe Comitatus*, and enter the ſaid Hamlet and Places adjacent, or any Place elſewhere within the Weekly Bills of Mortality, as ſhall be mentioned in the ſaid Oath, and to arreſt ſuch Perſon

on any Meſne Proceſs, Extent or Execution, and to ſeize the Goods of any ſuch Perſon upon any Execution or Extent; and if ſuch Sheriff, or any of his Deputies or Officers, ſhall wilfully neglect or refuſe, on ſuch Order, to uſe his beſt Endeavours for the executing of ſuch Proceſs, &c. he ſhall forfeit to the Plaintiff 200 *l.* to be recovered by Action of Debt, &c. in which no Eſſoign, &c. or more than one Imparlance ſhall be allowed: And if any Perſon ſhall knowingly and wilfully reſiſt or oppoſe any Officers of Juſtice, or any Perſons who ſhall be aiding or aſſiſting to ſuch Officers in the Execution of any Writ, &c. in the ſaid Hamlet, &c. or ſhall make Reſcous of any Priſoner taken upon ſuch Proceſs, &c. or ſhall knowingly harbour or conceal any Priſoner ſo taken, or any Perſons who reſcued ſuch Priſoner, or ſhall be any Ways contributing, or knowingly and wittingly abetting, aiding or aſſiſting in reſiſting any ſuch Officer, or in reſcuing any ſuch Priſoner, every Perſon ſo offending, being thereof lawfully convicted, upon any Indictment or Information, to be brought or filed within Six Months after the Offence committed, ſhall be adjudged guilty of Felony, and be tranſported for Seven Years, &c.

III. *Sect.* 3. No Perſon, who hath taken Shelter in the ſaid Hamlet ſince the Twenty-ninth of *September*, 1723, or their Families, ſhall be adjudged to have gained a legal Settlement in the ſaid Pariſh, by Virtue of having rented any Houſe or Lands to the yearly Value of Ten Pounds *per Ann.* or upwards, unleſs he have been rated, and have paid to the Relief of the Poor of the ſaid Pariſh, or have ſerved Parochial Offices there.

Priſons, Gaols, &c.

I. Stat. 2 G. 2. *c.* 32. The Preamble recites, That whereas *Thomas Bambridge*, Eſq; is by Letters Patent under the Great Seal of *Great Britain*, bearing Date the Thirtieth of *September*, *Anno* 2 G. 2. appointed Warden or Keeper of the Priſon of the *Fleet*, &c. during the Term of his Natural Life: And that whereas his Majeſty has ordered his Attorney General to proſecute at Law the ſaid *Thomas Bambridge*, for wilfully permitting ſeveral Priſoners, as well Debtors to his Majeſty, as to divers of his Subjects, to eſcape, and for being guilty of the moſt notorious Breaches of his Truſt, and the higheſt Crimes and Miſdemeanors in the Execution of his ſaid Office; and having arbitrarily and unlawfully loaded with Irons, put into Dungeons, and deſtroyed Priſoners for Debt put under his Charge, in Violation and

Contempt of the Laws of this Kingdom: Therefore it is enacted, *Sect.* 1 That after the Fourteenth Day of *June*, 1729, the ſaid *Thomas Bambridge* ſhall be, and is hereby for ever diſabled and rendred incapable to have, hold, exerciſe and enjoy the ſaid Office of Warden or Keeper of the *Fleet*, and of the Cuſtody of the Priſon and Gaol of the *Fleet*, and of the Priſoners committed to the ſaid Priſon, and of Keeper of his Majeſty's Old and New Palaces of *Weſtminſter*, or to have, hold, or exerciſe any Authority relating thereto.

II. *Sect.* 2. During the Natural Life of the ſaid *Thomas Bambridge*, it ſhall be lawful for his Majeſty, his Heirs or Succeſſors, by Letters Patent under the Great Seal, from Time to Time, to nominate, conſtitute and appoint ſuch Perſon as he ſhall judge fit and proper to be Warden of the *Fleet*, &c. and to be Keeper of his Majeſty's Old and New Palaces of *Weſtminſter*, and thereby to grant the ſaid Offices and Premiſſes, with all Fees, Profits and Emoluments thereto belonging, to ſuch Perſons, and to hold the ſame during his Majeſty's Pleaſure.

III. *Sect.* 3. The ſaid *Thomas Bambridge* ſhall forthwith, upon Oath, deliver to the Judges of the Court of Common Pleas, or one of them, a full, true, and perfect Liſt of the Names of all the Priſoners in his actual Cuſtody, as Warden of the *Fleet*, which he ſhall be charged with at the Time of delivering the ſaid Liſt, together with the ſeveral Cauſes and Times of their reſpective Commitments; and alſo of all Securities which have been given or aſſigned to him, or any Perſon in Truſt for him, by or on the Account of any Perſon ſo committed, or wherewith he ſhall then ſtand charged, for or in reſpect of ſuch Perſons being and continuing true Priſoners in the *Fleet*, or for the Enjoyment of the Liberty of the Rules of the ſaid Priſon; which Securities are hereby enacted and declared to be immediately veſted in the Perſon appointed by his Majeſty to be Warden of the ſaid Priſon, who is hereby enabled to ſue for and recover all ſuch Sums of Money as ſhall become due on ſuch Securities, in ſuch Manner as if the ſaid Securities had been originally given to him in whom they are hereby veſted: And the ſaid *Thomas Bambridge* ſhall alſo, by proper Inſtruments duly executed in Writing, aſſign and transfer the Cuſtody of all ſuch Priſoners whoſe Names ſhall be contained in the Liſt, and alſo deliver over the Perſons of all ſuch Priſoners to ſuch Perſon as his Majeſty ſhall appoint to be Warden of the *Fleet*, upon Requeſt in Writing by him made for that Purpoſe.

IV.

IV. *Sect.* 4. If the ſaid *Thomas Bambridge* ſhall neglect or refuſe to deliver upon Oath ſuch Liſt, or to aſſign, transfer or deliver over ſuch Priſoners upon Requeſt made to him in Writing, by the Perſon who ſhall be appointed Warden of the *Fleet* by his Majeſty, he ſhall be deemed guilty of Felony, and ſuffer Death without Benefit of Clergy.

V. *Sect.* 5. It ſhall be lawful for any Perſon, to whom the Offices of Warden of the *Fleet*, and Keeper of his Majeſty's Old and New Palaces of *Weſtminſter* ſhall be granted, to ſell or permit any Perſon to rent, or farm any inferior Offices under him, or to take any Money, Fine, Income or Reward, for or in Reſpect thereof.

VI. *Sect.* 6. *James Barnes*, *William Pindar*, *John Everet*, and *Thomas King*, who were Agents and Accomplices with the ſaid *Thomas Bambridge* in the Commiſſion of his Crimes, ſhall be for ever diſabled to have, hold, exerciſe or enjoy the Offices of Warden of the *Fleet*, or Keeper of his Majeſty's Old and New Palaces of *Weſtminſter*, or of Deputy-Warden, Turnkey, Chamberlain, Gaoler, or any other Office or Employment under any Warden of the ſaid Priſon, or to have or exerciſe any Authority relating thereto.

VII. *Sect.* 7. After the Fourteenth of *June*, 1729, the ſaid *Thomas Bambridge* ſhall be hereby diſabled and render'd incapable of being a Member of either Houſe of Parliament, or to hold or enjoy any Office or Employment, Civil or Military, or to uſe or exerciſe the Office or Employment of an Attorney, Solicitor, or Agent, for or on the Behalf of any Perſon whatſoever.

VIII. *Sect.* 8. Nothing in this Act ſhall extend to hinder or prevent any Proſecution at Law, or ſhall be pleaded in Bar, or in Abatement of any Proſecution, Proceedings, Judgment or Sentence made thereupon, againſt the ſaid *Thomas Bambridge*, *John Everet*, *William Pindar*, *James Barnes* and *Thomas King*, any or either of them, or to hinder or prevent any Proceedings at Law, or in Equity, againſt *John Huggins*, Eſq; or any other Perſon whatſoever.

IX. *Sect.* 9. Nothing herein contained ſhall extend to invalidate, determine, or make void any Warrant, Deputation or Inſtrument, given or executed by the ſaid *Thomas Bambridge* and *Dowgall Cuthbert*, Eſq; as Warden of the Priſon of the *Fleet*, to *John Cotton*, Gent. impowering him to act as Clerk of the Rules, and Clerk of the Papers to the ſaid Priſon; but the ſaid *John Cotton* may enjoy the ſaid Office as fully and effectually, as if this Act had not been made.

X. *Sect.* 10. Nothing in this Act shall extend to invalidate, determine, or make void any Warrants, Deputations or Instruments given or executed by *John Huggins*, Esq; late Warden of the *Fleet*, to *William Higges*, and *Matthew Burleigh*, impowering them to act as Tipstaffs attending the High Court of Chancery, or to *Richard Richardson*, impowering him to act as Tipstaff to the Court of *Exchequer*; but the said *William Higges*, *Matthew Burleigh*, and *Richard Richardson*, may enjoy the said Offices as fully and effectually, as if this Act had not been made.

Quarentine.

I. Stat. 1 Geo. 2. *Sess.* 2. *c.* 13. *Sect.* 1. WHEN any Country or Place is infected with the Plague, all Ships and Vessels arriving, and all Persons, Goods, and Merchandizes whatsoever, coming or imported in such Ships, into any Port or Place within *Great Britain* or *Ireland*, or the Isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, from any Place so infected, or from any Place the Inhabitants whereof are known to trade or correspond with any Country or Place actually infected, or from any Place from whence his Majesty, with the Advice of his Privy Council, shall judge it probable that the Infection may be brought, shall be obliged to make their Quarentine in such Place, for such Time, and in such Manner, as shall be directed by his Majesty, by his Order in his Privy Council, and shall be notified by Proclamation; and till such Ships, Vessels, Persons, Goods and Merchandizes shall have performed, and be discharged from such Quarentine, no such Person or Goods shall come or be brought on Shore, or go or be put on Board any other Ship or Vessel, in any Place within his Majesty's Dominions, unless in such Cases, and by such Licence, as shall be directed by Order made by his Majesty in Council, and notified as aforesaid; and all such Ships and Vessels, and the Persons or Goods coming or imported in, or going, or being put on board the same, and all Ships, Vessels, Boats, and Persons, receiving any Goods or Persons out of the same, shall be subject to such Orders, Rules, and Directions concerning Quarentine, and the Prevention of Infection, as shall be made by his Majesty in Council, and notified by Proclamation.

II. *Sect.* 2. When any Country or Place shall be infected with the Plague, and any Order shall be made by his Majesty concerning Quarentine, and notified, as often as any Ship

or

or Veſſel ſhall attempt to enter into any Port or Place in *Great Britain*, &c. the Principal Officer of the Cuſtoms, or ſuch Perſon as ſhall be authorized to ſee Quarentine duly performed, ſhall go off, or cauſe ſome other Perſon, to be by him appointed for that Purpoſe, to go off to ſuch Ship, and ſhall, at a convenient Diſtance, demand of the Commander, Maſter, or other Perſon having Charge of the Ship, and ſuch Commander, &c. ſhall upon ſuch Demand, give a true Account of the following Particulars, *viz.* the Name of the Ship, the Name of the Commander, at what Place the Cargo was taken on Board, what Places the Ship touched at in her Voyage, whether ſuch Places, or any, and which of them were infected with the Plague, how long the Ship had been in her Paſſage, how many Perſons were on Board when the Ship ſet Sail, whether any, and what Perſons, during that Voyage, on Board ſuch Ship, had been, or ſhall be then infected with the Plague, how many died in the Voyage, and of what Diſtemper, what Ships he, or any of his Ship's Company, with his Privity, went on Board, or had any of their Company come on Board his Ship in the Voyage, and to what Places ſuch Ships belonged, and the true Contents of his Lading, to the beſt of his Knowledge: And if it ſhall appear, on ſuch Examination, or otherwiſe, that any Perſon then on Board, ſhall, at the Time of ſuch Examination, be actually infected with the Plague, or that ſuch Ship is obliged to perform Quarentine; in ſuch Caſe it ſhall be lawful for any of the Officers of his Majeſty's Ships of War, or any of his Majeſty's Forces or Garriſons, and all other his Majeſty's Officers whom it may concern, on Notice thereof given them, and for any other Perſons whom they ſhall call to their Aſſiſtance, to oblige ſuch Ship to repair to the Place appointed for Performance of Quarentine, and to uſe all neceſſary Means for that Purpoſe, be it by firing Guns upon ſuch Ship, or any Kind of Force and Violence whatſoever: And if any Ship ſhall come from any Place viſited with the Plague, or have any Perſon on Board actually infected, and the Commander, Maſter, or other Perſon having the Charge of the Ship, ſhall conceal the ſame, ſuch Commander, &c. ſhall be adjudged guilty of Felony, and ſuffer Death without Benefit of Clergy: And in Caſe ſuch Commander, &c. ſhall, on ſuch Demand made, as aforeſaid, not make a true Diſcovery in any of the ſaid Particulars, he ſhall, for every ſuch Offence, forfeit 200*l.* one Moiety to the King, the other to him who will ſue for the ſame by Action of Debt, &c. in any of his Majeſty's Courts of Record at *Weſtminſter*, *Edinburgh*, *Dublin*, or in the proper Courts of the Iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*.

III. *Sect.* 3. If any Commander, *&c.* of any Ship liable to perform Quarentine, having Notice thereof, ſhall himſelf quit, or knowingly permit any Seaman or Paſſenger coming in ſuch Veſſel, to quit the ſame, by going on Shore or on Board any other Veſſel, before Quarentine ſhall be fully performed, unleſs in ſuch Caſes, and by ſuch proper Licence, as ſhall be directed by Order to be made concerning Quarentine, and notified as aforeſaid, or ſhall not, in convenient Time after due Notice given for that Purpoſe by the proper Officer, cauſe ſuch Ship and the Lading thereof, to be conveyed to the Place appointed to perform Quarentine; in every ſuch Caſe ſuch Commander, *&c.* ſhall, for every Offence, forfeit 500 *l.* one Moiety to the King, the other to the Proſecutor; and if any Perſon ſhall quit ſuch Ship by going on Shore, or on Board any other Veſſel, it ſhall be lawful for all Perſons, by Force and Violence to compel ſuch Perſon to return on Board the Veſſel; and every Perſon ſo quitting ſuch Ship, ſhall, for every Offence, ſuffer Six Months Impriſonment, and forfeit 200 *l.* one Moiety to the King, the other to him that will ſue for the ſame; the ſaid reſpective Penalties and Forfeitures to be recovered by Action of Debt, *&c.* in any of his Majeſty's Courts of Record at *Weſtminſter*, *Edinburgh*, or *Dublin*, or in the proper Courts of the Iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*.

IV. *Sect.* 4. When any Country ſhall be infected, it ſhall be lawful for his Majeſty to order Ships to be provided, or to cauſe Houſes or Lazarets for the receiving and entertaining of Perſons obliged to perform Quarentine, during ſuch Time as they ſhall continue infected, or till they have performed ſuch Quarentine; and alſo Sheds, Tents, and other Places proper for the depoſiting, opening and airing of Goods and Merchandizes, comprized within ſuch Orders to be made and notified as aforeſaid, to be provided and erected, to continue for ſuch Time as his Majeſty ſhall think proper and direct, in convenient Places within any Part of *Great Britain* or *Ireland*, to be allowed and approved by Two or more Juſtices of the Peace for the County, Diviſion or Liberty where the ſame ſhall lie, living near thereto, under their Hands and Seals, either in any Waſte Grounds or Commons, or where ſuch Waſtes are not ſufficient, in the ſeveral Grounds of any Perſons whatſoever, not being a Houſe, Park, Garden, Orchard, Yard, or planted Walk, or Avenue to a Houſe, paying ſuch Rate, Rent, or Conſideration for the ſame, to the Perſon intereſted therein, according to their ſeveral Intereſts in the ſame, as ſhall be agreed on between the Perſons ſo intereſted, their Guardians or Truſtees, and any Two Perſons to be appointed for that Purpoſe by

by the King under his Royal Sign Manual; and in Caſe of any Difference between them concerning ſuch Conſideration, the Juſtices of the Peace at the next General Quarter-Seſſions to be held for the County, &c. where ſuch Ground ſhall lie, ſhall adjudge, aſſeſs, and ſettle the ſame, and ſuch Judgment and Determination ſhall be final; and his Majeſty may hold ſuch Ground for ſuch Time as he ſhall judge neceſſary for the ſaid Purpoſes, paying ſuch Rate or other Conſideration as ſhall be agreed on, or aſſeſſed and adjudged as aforeſaid.

V. *Sect.* 5. The proper Officers, authorized to put in Execution the Orders ſo made and notified, ſhall compel all Perſons obliged to perform Quarentine, and all Goods and Merchandizes comprized within ſuch Orders, to repair or be convey'd to ſome of the Ships, Houſes, or Lazarets, Sheds, Tents, or other Places, provided as before.

VI. *Sect.* 6. If any Perſon obliged to perform Quarentine, ſhall wilfully refuſe or neglect to repair, within convenient Time after due Notice given him by the proper Officer, to the Ship, Houſe, Lazaret, or other Place duly appointed for him, or having been placed in ſuch Ship, &c. ſhall eſcape, or attempt to eſcape, out of the ſame before Quarentine fully perform'd, it ſhall be lawful for the Watchmen, and other Perſons appointed to ſee Quarentine performed, by any Kind of Violence that the Caſe ſhall require, to compel every ſuch Perſon to return into ſuch Ship, &c. and every ſuch Perſon ſo refuſing to repair into ſuch Ship, &c. or actually eſcaping, &c. ſhall be adjudged guilty of Felony, and ſuffer Death as a Felon, without Benefit of Clergy.

VII. *Sect.* 7. If any Perſon not infected with the Plague, nor liable to perform Quarentine, ſhall preſume to enter any Ship, Houſe, Lazaret, &c. ſo appointed, while any Perſons infected, or under Quarentine, ſhall be therein, and ſhall return, or attempt to return from thence, unleſs in ſuch Caſes, and by ſuch Licence, as ſhall be directed by ſuch Order ſo made and notified, it ſhall be lawful for the Watchmen, or other Perſons appointed to guard ſuch Ship, &c. by any Kind of Violence that the Caſe ſhall require, to compel ſuch Perſon to repair to ſome Ship, &c. there to continue and perform Quarentine: And if ſuch Perſon ſhall actually eſcape out of ſuch Ship, &c. before he ſhall have performed the ſame, he ſhall be adjudged guilty of Felony, and ſuffer Death, without Benefit of Clergy.

VIII. *Sect.* 8. If any Officer of the Cuſtoms, or other Officer or Perſon whatſoever, to whom it ſhall appertain to execute any Orders concerning Quarentine, ſhall be guilty of any wilful Breach or Neglect of his Duty in that Behalf, he ſhall forfeit his Office in the Cuſtoms, or other Office or Imployment,

Imployment, and ſhall from thenceforth be incapable to hold the ſame, or to take a new Grant thereof; and ſhall alſo forfeit 100 *l.* one Moiety to the King, the other to him who will ſue for the ſame by Action of Debt, *&c.* in any Court of Record at *Weſtminſter*, *Edinburgh*, or *Dublin*, or in the proper Courts of the Iſles of *Guernſey*, *&c.*

IX. *Sect.* 9. Whereas Cotton, Skins, Human Hair, and certain other Species of Merchandizes are more eſpecially liable to retain Infection, and may be brought from Places infected into other Countries, and from thence imported into his Majeſty's Dominions in Ships not obliged to perform Quarentine: Therefore, when any Foreign Country ſhall be infected with the Plague, all ſuch Goods and Merchandizes, as ſhall be particularly ſpecified in any ſuch Order to be made concerning Quarentine, and notified, which ſhall be imported into any Part of his Majeſty's Dominions, from any Foreign Country, in any Ship whatſoever, ſhall be liable to ſuch Order.

X. *Sect.* 10. After Quarentine fully performed by any Ship or Perſon obliged thereto, on Proof made by the Oath of the Maſter of the Ship, or of Two of the Perſons belonging to ſuch Ship, or on Proof by the Oaths of Two or more credible Witneſſes, before the Cuſtomer, Controller, or Collector of the Port where ſuch Quarentine ſhall be performed, or the next Port thereto, or before any of their Deputies, or any Juſtice of the Peace living near to ſuch Port, or where ſuch Quarentine ſhall have been performed within any of the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, before any Two Jurats or Magiſtrates of any of the ſaid Iſles, that ſuch Ship and all the Perſons therein have duly performed Quarentine, and that the Ship and all ſuch Perſons are free from Infection; then ſuch Cuſtomer, *&c.* or their Deputies, together with the ſaid Juſtice of the Peace, or ſuch Jurats or Magiſtrates reſpectively, are hereby required to give a Certificate thereof; and thereupon ſuch Ship, and all the Perſons ſo having duly performed Quarentine, ſhall be liable to no farther Reſtraint or Detention.

XI. *Sect.* 11. The Officer before whom ſuch Oath ſhall be taken, and by whom ſuch Certificate ſhall be granted, ſhall demand or take no Fee for the Oath or Certificate.

XII. *Sect.* 12. All Goods, Wares, and Merchandizes, imported in any Veſſel coming from a Place infected, or on Board of which any Perſon ſhall be found infected, ſhall, after Quarentine performed, be open'd and aired in ſuch Place, and for ſuch Time, and in ſuch Manner, as ſhall be directed by his Majeſty, by ſuch Order to be made and notified; and after ſuch Orders ſhall have been duly complied with, and Proof made thereof by the Oaths of Two or

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or more credible Witneſſes, before the Cuſtomer, Controller, or Collector of the Port lying next to the Place where ſuch Goods, &c. ſhall have been opened and aired, or any of their Deputies, or any Juſtice of the Peace living near the ſame, or before Two Jurats of the Iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, upon Certificate and Return of ſuch Proof, by ſuch Cuſtomer, &c. (who are required to make ſuch Certificate and Return to the Commiſſioners of the Cuſtoms of *Great Britain* or *Ireland*, or to the Governor or Commander in Chief, being upon the Place in the Iſles of *Guernſey*, &c.) ſuch Goods, &c. ſhall be forthwith diſcharged from any Reſtraint on that Account, by Order of the ſaid Commiſſioners, or any Two of them, or of the Governor, &c. of any of the ſaid Iſles; for which Oath, Certificate and Order, no Fee or Reward ſhall be taken.

XIII. *Sect.* 13. If any Officer or other Perſon ſhall demand or take any Fee or Reward for any ſuch Oath, Order, or Certificate, he ſhall forfeit 100 *l.* one Moiety to his Majeſty, the other to him who will ſue for the ſame by Action of Debt, &c. in any Court of Record at *Weſtminſter*, *Edinburgh* or *Dublin*, or in the proper Courts of *Guernſey*, &c. in which Caſes Coſts ſhall be allowed to either Party.

XIV. *Sect.* 14. If any Officer, or other Perſon appointed to ſee Quarentine performed, or any Perſon placed as a Watchman on any Houſe, Lazaret, Ship, or other Place, for Performance of Quarentine, ſhall knowingly and willingly ſuffer any Perſon, Ship, Goods or Merchandizes to depart or be removed out of ſuch Houſe, Lazaret, &c. unleſs in ſuch Caſes, and by ſuch Licenſe as ſhall be directed by ſome Order made and notified by Proclamation, every ſuch Offender ſhall be adjudged guilty of Felony, and ſuffer Death without Benefit of Clergy.

XV. *Sect.* 15. When any Part of *Great Britain*, *Ireland*, or the Iſles of *Guernſey*, *Jerſey*, &c. or *France*, *Spain*, *Portugal*, or the Low Countries, ſhall be infected with the Plague, it ſhall be lawful for his Majeſty, by his Proclamation, to prohibit all ſmall Boats and Veſſels, under the Burden of Twenty Tons, from ſailing or paſſing out of any Port or Place of *Great Britain* or *Ireland*, or the Iſles of *Guernſey*, *Jerſey*, &c. 'till Security be given by the Maſter, to the Satisfaction of the principal Officers of the Cuſtoms, or the chief Magiſtrate of the Port or Place from which ſuch Veſſel ſhall ſail, by Bond taken to the King, with ſufficient Sureties, in the Penalty of 300 *l.* with Condition, That if ſuch Veſſel ſhall not go to, or touch at any Country or Place, to be mentioned for that Purpoſe in ſuch Proclamation; and if the Maſter, and all the Mariners and Paſſengers ſhall not go on Board any other Ship at Sea; and if ſuch Maſter

ſhall

ſhall not ſuffer any Perſon to come on Board ſuch Veſſel at Sea, from any other Veſſel, and ſhall not receive any Goods whatſoever out of any other Ship, then ſuch Bond ſhall be void; for the making of which Bond no Fee or Reward ſhall be taken. And if any Boat or Veſſel, for which ſuch Security ſhall be required by Proclamation, ſhall ſet ſail or paſs out of any Port or Place of *Great Britain* or *Ireland*, or the Iſles of *Guernſey*, *Jerſey*, *&c.* before ſuch Security given, every ſuch Boat or Veſſel, together with her Tackle, Apparel and Furniture ſhall be forfeited to the King, and may be ſeized, ſued for and recovered in the Court of Exchequer at *Weſtminſter*, *Edinburgh* or *Dublin*, or in the proper Courts of the Iſles of *Guernſey*, *Jerſey*, *&c.* to the Uſe of his Majeſty: And the Maſter of, and every Mariner ſailing in ſuch Veſſel, being thereof lawfully convicted, on their Appearance or Default, upon the Oath of one or more credible Witneſſes, by one or more Juſtices of the Peace, where ſuch Offender ſhall be found, he ſhall forfeit 20 *l.* one Moiety to the Informer, and the other to the Poor of the Pariſh where ſuch Offender ſhall be found, to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Juſtice before whom ſuch Offender ſhall be convicted; and for want of ſufficient Diſtreſs, the Juſtice ſhall commit the Offender to Priſon for Three Months, without Bail or Mainprize; and if ſuch Offender be found in any of the Iſles of *Guernſey*, *Jerſey*, *&c.* and be lawfully convicted of ſuch Offence in any Action to be founded on this Act, in the proper Court of any of the ſaid Iſles, ſuch Offender ſhall forfeit 20 *l.* one Moiety to the Informer, the other to the Poor of the Pariſh where he ſhall be found; and in Default of paying the Penalty, ſhall ſuffer Impriſonment for Three Months without Bail.

XVI. *Sect.* 16. As often as his Majeſty ſhall make any Order concerning Quarentine, and the Prevention of Infection, and notify the ſame by Proclamation, ſuch Proclamation ſhall be publickly read on the next *Sunday* after the Receipt thereof, and the firſt *Sunday* in every Month afterwards (during the Time ſuch Orders ſhall continue in Force) immediately after the Prayers, in all Pariſh-Churches and Places ſet apart for Divine Worſhip, within ſuch Counties and Places as ſhall be ſpecified in the Proclamation.

XVII. *Sect.* 17. It ſhall be lawful for the King, by one or more Proclamations, to be iſſued at any Time before the Twenty-fourth of *June*, 1729, to prohibit all Perſons to go from *Great Britain*, or *Ireland*, or from the Iſlands of *Guernſey*, *Jerſey*, *&c.* to any Kingdom, Country or Place infected with the Plague, to be ſpecified in ſuch Proclamation; and alſo

alſo to forbid all Perſons, Bodies Politick and Corporate, to ſhip, export, carry or ſend, or cauſe to be ſhipped, &c. directly or indirectly, from *Great Britain* or *Ireland*, or the Iſles of *Guernſey*, *Jerſey*, &c. to any infected Country, &c. any Goods or Merchandizes, during ſuch Time, 'till the Twenty-fifth of *December*, 1729, as ſhall be ſpecified in ſuch Proclamation, under the Penalties herein after mentioned, and in ſuch Manner, and under ſuch Regulations, as by ſuch Proclamation ſhall be preſcribed.

XVIII. *Sect.* 18. It ſhall be lawful for the King, by Proclamation to be iſſued before the Twenty-fourth of *June*, 1729, to prohibit all Perſons to come from any Kingdom, Country or Place which ſhall be infected with the Plague, into *Great Britain* or *Ireland*, or the Iſles of *Guernſey*, *Jerſey*, &c. and alſo to forbid all Perſons to import into *Great Britain* or *Ireland*, or into any of the ſaid Iſles, any Goods or Commodities whatſoever, from any infected Country, during ſuch Time, before or 'till the Twenty-fifth of *December*, 1729, as ſhall be ſpecified in ſuch Proclamation, under the Penalties herein after-mentioned, and in ſuch Manner and Form, and under ſuch Regulations, as by ſuch Proclamation ſhall be preſcribed.

XIX. *Sect.* 19. All Perſons who ſhall export, or cauſe to be exported, any Goods, Wares or Merchandizes, contrary to the true Meaning of ſuch Proclamation, and of this Act, ſhall forfeit double the Value thereof, to be aſcertained and recovered as the Value of any uncuſtomed or prohibited Goods is by Law to be aſcertained and recovered.

XX. *Sect.* 20. If at any Time after the Publiſhing ſuch Proclamation, any Perſon ſhall go to any Place infected, contrary to the Tenour of ſuch Proclamation, and of this Act, he ſhall forfeit 500 *l.* one Moiety to the King, the other to him who will ſue for the ſame by Action of Debt, &c. in any Court of Record at *Weſtminſter*, *Edinburgh*, or *Dublin*, or in the proper Courts of *Guernſey*, *Jerſey*, &c. and if any Veſſel or Perſon, coming from any Place infected, ſhall enter into, or any Goods ſhall be landed out of ſuch Veſſel, in any Port or Place within *Great Britain* or *Ireland*, or any of the ſaid Iſles, every Perſon offending therein, being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſuffer Death without Benefit of Clergy; and ſuch Veſſels, Goods or Merchandizes ſhall be forfeited to his Majeſty.

XXI. *Sect.* 21. All Perſons, who, after ſuch Proclamation iſſued, ſhall cauſe or procure any ſuch Goods or Merchandizes to be imported, ſhall forfeit treble the Value thereof, to be aſcertained and recovered as the Value of prohibited

Goods is by Law to be aſcertained and recovered; two third Parts thereof to be to the Uſe of his Majeſty, the Charge of Proſecution and Recovery being born by his Majeſty; and the other Third Part to him who ſhall ſeize, inform, or ſue for the ſame.

XXII. *Sect.* 22. In every Proclamation to be iſſued for prohibiting Commerce with any Places infected, a reaſonable Time ſhall be allowed before the Prohibition declared by ſuch Proclamation ſhall commence, Regard being had to the Diſtance of ſuch infected Places from *Great Britain*, *Ireland*, or any of the ſaid Iſles, and to the Time within which Notice of ſuch Proclamation may arrive at ſuch infected Places.

XXIII. *Sect.* 23. If any Action ſhall be commenced againſt any Perſon for any Thing done in Purſuance of this Act, the Defendant may plead the General Iſſue, *&c.* and on a Verdict, *&c.* ſhall recover treble Coſts.

XXIV. *Sect.* 24. No Attainder of Felony, by Virtue of this Act, ſhall work any Corruption of Blood, or Forfeiture of Goods, Chattles, *&c.*

XXV. *Sect.* 25. This Act, and the ſeveral Clauſes therein, ſhall commence from the Firſt of *June*, 1728, and the ſame (except ſo much thereof as enables his Majeſty to prohibit Commerce between his Subjects and thoſe of any other Country or Place infected with the Plague, and the ſeveral Powers, Proviſions, *&c.* relating thereto) ſhall continue in Force for Two Years, and from thence to the End of the then next Seſſion of Parliament, and no longer.

Rice.

1. Stat. 3 G. 2. c. 28. *Sect.* 1. THE Act 3 & 4 *A.* c. 5. *For granting to her Majeſty a further Subſidy on Wines and Merchandizes imported*, ſo far as it extends to the making of Rice of the Growth and Produce of his Majeſty's Plantations in *America*, an enumerated Commodity, ſhall be and is hereby ratified and confirmed, as to all Ships, Veſſels, Perſons and Places, in all Reſpects whatſoever; except only as to ſuch Rice as by this Act ſhall be permitted to be exported from his Majeſty's Province of *Carolina* in *America*, by ſuch Perſons, and in ſuch Ships, and to ſuch Foreign Countries and Places, and under ſuch Entries, Securities, Reſtrictions, Regulations, Penalties and Forfeitures, as are herein after particularly deſcribed and appointed for that Purpoſe.

II.

II. *Sect.* 2. After the Twenty-ninth of *September*, 1730, it ſhall be lawful for any of his Majeſty's Subjects, in any Ship built in *Great Britain*, or belonging to any of his Majeſty's Subjects reſiding there, and navigated according to Law, that ſhall clear Outwards in any Port of *Great Britain* for the Province of *Carolina* in *America*, to ſhip Rice in the ſaid Province, and to carry the ſame directly to any Port of *Europe*, Southward of *Cape Finiſterre*, without carrying it to any other of his Majeſty's Plantations in *America*, or to *Great Britain*; the Maſter, before ſhe clears Outwards from *Great Britain*, firſt taking a Licenſe under the Hands of the Commiſſioners of the Cuſtoms, or any Three of them, for the loading and carrying it from the Province of *Carolina* directly to ſome Part of *Europe* to the Southward of *Cape Finiſterre*, on a Certificate from the Collector and Controller of the Port where ſuch Licenſe ſhall be deſired, certifying that Bond has been given, with one or more Security, in the Sum of 1000 *l.* if the Ship be of leſs Burthen than 100 Tuns, and of 2000 *l.* if of greater Burthen, That no Tobacco, Sugars, Cotton, Wool, Indigo, Ginger, Fuſtick, or other Dying Wood, Melaſſes, Tar, Pitch, Turpentine, Hemp, Maſts, Yards, Bowſprights, Copper Ore, Beaver Skins, or other Furs, of the Growth, Production or Manufacture of any *Britiſh* Plantation in *America*, ſhall be loaden on Board ſuch Ship at *Carolina*, or any other of his Majeſty's Plantations in *America*, unleſs for the neceſſary Proviſions of ſuch Ship in her Voyage; and that ſuch Ship ſhall not proceed directly with all the Rice loaded on Board by Virtue of ſuch Licenſe, to ſome Port of *Europe* to the Southward of *Cape Finiſterre*, and there land the Rice; and that after having landed it, the Ship ſhall proceed for *Great Britain* before ſhe returns to any of the Plantations in *America*; and if the Maſter ſhall not, within Four Months after his Arrival at ſuch Port, produce a Certificate of having landed and diſcharged the Rice ſo taken on Board in *Carolina* at ſuch Port; which Certificate is to be under the Hand and Seal of the *Britiſh* Conſul, or, where there is no Conſul, under the Hands and Seals of Two known *Britiſh* Merchants, reſiding in the Port where the Rice ſhall be landed; otherwiſe the Bond ſhall be forfeited to the King, and may be ſued and proſecuted in any Court of Record in *Great Britain*.

III. *Sect.* 3. Before any Rice be put on Board any Ship at *Carolina*, by Virtue of the ſaid Licenſe, to be carry'd to ſome Part of *Europe* to the Southward of *Cape Finiſterre*, the Maſter ſhall, before his Departure from *Carolina*, deliver to the Collector of the Port where the Ship is to take in her Lading, the ſaid Licenſe ſigned by Two Commiſſioners

of the Cuſtoms, and a Certificate of ſuch Bond having been given in *Great Britain*; and ſhall deliver in Writing upon Oath before the Collectors, whether he intends to load any Rice purſuant to ſuch Licenſe, and to what Place.

IV. *Sect.* 4. Before the Rice ſhall be ſhipped, the Merchant, or other Perſon exporting it, ſhall make an Entry thereof in Writing with the Collector of the Cuſtom and the Naval Officer, and alſo with the Controller, where there is ſuch an Officer, and ſhall take out a Cocquet of ſuch Entry, and ſhall, before the Rice be put on Board, indorſe on the Back of the Cocquet the true Quantity intended to be ſhipped, mentioning the Marks, Numbers and Contents of each Cask, and ſhall deliver the Cocquet ſo indorſed, to the Searcher or other Officer, appointed for the examining and ſhipping thereof; and if, upon weighing the Rice brought to be ſhipped by Virtue of ſuch Cocquet, either before or after the ſhipping thereof, the Quantity ſhall appear to be greater than is indorſed thereon; or if any Rice ſhall be put on Board any Ship, having Liberty to trade, or any Hoy, Lighter, Botten Boat, or other Veſſel, in Order to be put on Board ſuch Ship, before ſuch Entry, and taking out ſuch Cocquet, and indorſing and Delivery of the ſame, as aforeſaid, all ſuch Rice ſhall be forfeited, as alſo the Hoy, *&c.* and the Owner of ſuch Rice, or other Perſon imployed in ſhipping it, ſhall alſo forfeit treble the Value thereof, to be recovered in the Court of Vice-Admiralty, held in any of his Majeſty's Plantations in *America*, or in any other Court of Record in any of the ſaid Plantations, at the Election of the Informer; one Third Part thereof to the Uſe of the Crown; one Third Part to the Governor of the ſaid Colony, and the other one Third to the Informer or Proſecutor; and before ſuch Ship ſhall depart from *Carolina*, the Maſter ſhall receive the Licenſe from the Collector, and Naval Officer, and Controller, who ſhall indorſe thereon the Marks, Numbers and Contents of each Cask of Rice ſo ſhipped on Board; and the Collector, and other Officers, ſhall make Two Copies of ſuch Licenſe and Indorſement; for all which Entries, Cocquets, Indorſements or Copies, no more ſhall be taken by the Officer than the accuſtomed Fees; and the Maſter ſhall, before he receives the Licenſe, atteſt the Copies under his Hand, which are to be left with the Collector and other Officers; and the Maſter ſhall alſo, on the Return of the Ship to *Great Britain*, produce and deliver the Licenſe to the Commiſſioners of the Cuſtoms, or to the Collector or Controller of the Port where Bond was given, when the Ship ſet Sail from *Great Britain*, with the Indorſement made thereon by the Collector,

lector, or other Officer, of the Quantity laden on Board in *Carolina*; as alſo a Certificate ſigned and ſealed by the Conſul, or Two known *Britiſh* Merchants, at the Port where the Rice was landed, certifying the Landing thereof, with the Number of the Casks ſo landed, and the Marks, Numbers and Contents of each Cask, with the Name of the Ship and Maſter; and that they verily believe that no Sugar, Tobacco, or other enumerated Goods before-mentioned, except Rice, have been landed out of ſuch Ship.

V. *Sect.* 5. The Collector, and other Officers in *Carolina*, ſhall, as ſoon as conveniently they can, tranſmit one of the Copies of the Indorſement to the Commiſſioners of the Cuſtoms in *Great Britain*; and thereupon there ſhall be payable to his Majeſty ſo much as the Half Subſidy of the Rice ſo ſhipped in *Carolina* ſhall amount to, which would have remained if the Rice had been firſt imported into *Great Britain*, and afterwards re exported: And the Commiſſioners, or the Collector and Controller of the Port in which ſuch Ship was enter'd to ſail for *Carolina*, as ſoon as they ſhall receive the Licenſe ſo indorſed, or one of the Copies of the Indorſement, atteſted by the Maſter, (which ſhall firſt come to the Hands of the ſaid Commiſſioners, &c.) may demand of the Perſons, who enter'd into Bond before the Ship ſet Sail from *Great Britain*, the Sum due for the Half-Subſidy for all the Rice mentioned in the Indorſement, or the atteſted Copy thereof; and if it be not paid within Thirty Days after ſuch Demand, the Bond ſhall be forfeited, and may be put in Suit; and the Perſons bound therein ſhall pay treble Coſts.

VI. *Sect.* 6. This Act ſhall continue in Force Five Years, to be reckoned from the Twenty-ninth of *September*, 1730, and from thence to the End of the then next Seſſion of Parliament.

Rivers.

I. *Stat.* 11 G. 1. *c.* 19. Two of the Clauſes in the Act of 12 *A. Seſſ.* 2. *c.* 7. (*A private Act*) *for making the River* Nine, *or* Nen, *running from* Northampton *to* Peterborough, *navigable*; the one for the Commiſſioners, therein named, to agree with Perſons jointly to make all the River navigable from *Peterborough* to *Northampton*; the other to oblige the Undertakers, at their own Coſts and Charges, to make good any Damage done to the Banks of the River, if it were not made navigable, ſhall be repealed and made void; and the Commiſſioners herein after-named, (not under the Number of Nine,) are to meet together at the Seſſions Houſe

in *Northampton*, on *Tueſday* the Thirteenth Day of *July*, 1725, for putting in Execution the former Act, and to make one or more Contracts with any Perſons whatſoever, for making any Parts of the ſaid River navigable, in order to the carrying on the Navigation of the River from *Peterborough* to *Northampton*.

II. *Sect.* 2. The Right Honourable *Spencer Compton*, Eſq; Speaker of the Houſe of Commons, the Right Honourable *John* Earl *Fitzwilliams*, in the Kingdom of *Ireland*, the Right Hon. Lord *Gowran*, in the Kingdom of *Ireland*, the Right Hon. Lord *Morpeth*, Son and Heir apparent of the Earl of *Carliſle*, the Right Hon. *Daniel*, Lord *Finch*, Son and Heir apparent of the Earl of *Nottingham*, the Right Hon. the Lord *Tyrconnel*, in the Kingdom of *Ireland*, the Right Hon. *Thomas Coke*, Vice-Chamberlain, and one of his Majeſty's moſt Honourable Privy Council, the Right Hon. Sir *Joſeph Jekyll*, Maſter of the Rolls, the Right Hon. *Charles Cecill*, the Honourable *William Cecill*, the Honourable *James Brudenel*, the Honourable *George Compton*, the Honourable *Sidney Wortley*, alias *Montague*, the Honourable *William Egerton*, the Honourable *John Finch*, the Honourable *Henry Yelverton*, the Honourable *Charles Hatton*, the Honourable *Charles Leigh*, the Honourable *Edward Griffin*, Eſqs; (*with ſeveral Hundreds more, whoſe Names ſee in the Act*) are appointed Commiſſioners for putting in Execution the ſaid former and this preſent Act; and they, and the Survivors of them, or the Majority of them preſent, not under the Number of Nine, are impowered to act in ſuch Manner, and by and with ſuch Directions, Powers and Reſtrictions, as the Commiſſioners appointed by the former Act were impowered to act and do, in Order to put that Act in Execution.

III. *Sect.* 3. In Caſe any Meeting of the Commiſſioners ſhall break up without adjourning, or there ſhall not be Nine Commiſſioners meet, then their next Meeting ſhall be at ſuch Time and Place as the *Cuſtos Rotulorum* for the Time being, of the County of *Northampton*, ſhall appoint; who is hereby authorized and required to appoint a Time and Place for ſuch Meeting of the Commiſſioners, and ſo *toties quoties* as the Caſe ſhall require; ſo as publick Notice be given of ſuch Appointment, at leaſt Ten Days before the Meeting, on the Market-Days of *Peterborough*, *Northampton*, *Wellingborough*, *Thrapſton* and *Oundle*, in the ſaid County of *Northampton*, by the common Cryer of the ſaid Markets reſpectively, or by affixing in Writing ſuch Notice in the moſt publick Places in the ſaid ſeveral Markets, on their reſpective Market-Days.

IV. *Sect.* 4. All the Powers and Clauſes contained in the before-mentioned Act, (other than ſuch Clauſes and Proviſoes

viſoes as are hereby repealed, altered, or explained) are hereby ratify'd and confirm'd, and ſhall be executed and performed according to the true Intent thereof.

V. *Sect.* 5. Nothing in this or the former Act ſhall extend to give Power to any the Commiſſioners or Undertakers, to prejudice the Water-Works erected at *Nun Mills*, for ſupplying the Town of *Northampton* with Water, unleſs the Navigation cannot be perfected, or carried on to *Northampton*, without doing ſome Prejudice to the ſaid Works; and in ſuch Caſe, not without ample Satisfaction to the Proprietors of the ſaid Water-Works; which Damage or Prejudice ſhall be adjuſted by the Commiſſioners, in ſuch Manner, as by the former Act is provided for the Satisfaction of other Proprietors of Mills or Lands, that ſhall be prejudiced by the ſaid Navigation.

VI. *Sect.* 6. The Former and this Act ſhall be deemed to be Publick Acts, and be judicially taken Notice of as ſuch by all Judges, &c. without Special Pleading.

VII. Stat. 12 G. 1. c. 38. *Sect.* 1. The Maſter, Wardens, Searchers, Aſſiſtants and Commonalty of Cutlers in *Hallamſhire* in the County of *York*, their Succeſſors and Aſſigns, are hereby appointed Undertakers, at their own Coſts and Charges, to make the River *Dun*, in the Weſt-Riding of *Yorkſhire*, navigable for Boats and Veſſels of Twenty Ton Burthen, from *Holmſtile* in *Doncaſter*, up to the fartheſt Extent Weſtward of the Townſhip of *Tinſley*; and for that Purpoſe they ſhall have full Power by themſelves, their Servants, Agents, Workmen, and Aſſigns, to clear, ſcour, open, enlarge, ſtreighten or deepen the ſaid River, or any Goyts, Drains, or Sluices out of the ſame, and to dig or cut the Banks of the River, and to make any new Cuts, Trenches or Paſſages for Water, upon or through the Lands adjoining, or near the ſaid River, be it ſolid Ground of the King, or of any other Perſon whatſoever; and alſo to cut and take away all Trees, Roots of Trees, Beds of Gravel, Sand, or Mud, Quarries of Stone, or any other Impediment whatſoever, which may any way hinder the Navigation, either in ſailing, haleing, towing or drawing Boats and Veſſels with Men or Horſes, upon the River, or on any Cuts or Drains out of the ſame; and to build, erect, ſet up and make, in, upon, or over the ſaid River and Lands, or over the new Cuts, &c. ſo many Bridges, Sluices, Locks, Wears, Pens for Water, Stanks, Dams, Wharfs, Ware-houſes, Keys, Landing Places, Weigh-Boats, Cranes and other Works, Ways and Privileges, as ſhall be neceſſary; and to alter and repair the ſame, and to have, make, and uſe neceſſary Ways, Paſſages, and other Conveniencies for the carrying

and conveying any Goods, &c. upon, to and from the ſaid River, Wharfs, Landing Places, &c. and for carrying all manner of Stone, Brick, Timber, and other Materials for compleating the ſaid Works and Navigation, and for altering and repairing the ſame, and to lay and work the Materials on the Ground, near the Place where the Works are to be made; and alſo to lay all Earth, Gravel, Sand, Roots, Rubbiſh, &c. dug or taken out of the River or Cuts, in Order to the making or preſerving of the Navigation, upon the Banks of the River, or Lands adjacent; and to amend, alter, remove or heighten any Bridges, or to turn or alter any Highways near the ſaid River, &c. and to pull down or alter any Mill, Wear, or other Obſtacle in, on, or contiguous to the ſaid River, &c. and at all Times hereafter to do all other Matters and Things neceſſary or convenient for making, maintaining and perfecting the navigable Paſſages of the River, or of the Cuts made out of the ſame, or for the Improvement or Proſecution thereof; the ſaid Undertakers doing as little Damage as may be, and firſt giving Satisfaction to the Owners and Proprietors of ſuch Mills, Wears, Lands, Tenements or Hereditaments, as ſhall be pulled down, altered, dug up, cut, removed, or otherwiſe made uſe of for any of the ſaid Purpoſes; or that ſhall be damaged by carrying on, effecting, continuing or maintaining the ſaid Navigation; and alſo giving Satisfaction for all Damages that ſhall be done to the Ground near the Places where the Works ſhall be made, erected or done, by Reaſon of carrying, laying, or working any Materials, Earth, Rubbiſh, &c. according to the true Meaning of this Act, as is herein after directed.

VIII. *Sect.* 2. The moſt Noble *William*, Duke of *Devonſhire*, the Right Honourable the Earls of *Strafford* and *Kinnoul*, the Lords Marqueſſes of *Caermarthen* and *Hartington*, the Lord *James Cavendiſh*, the Lord *Frederick Howard*, the Lord *Londonderry* (*and many others, whoſe Names are inſerted in the Act*) or any Seven or more of them, together aſſembled, are hereby conſtituted Commiſſioners for ſettling and determining all Matters, touching which any Differences may ariſe between the Undertakers and the Proprietors of Lands, Mills, Wears, &c. intended to be pulled down, damaged, or made uſe of, &c. for carrying on the Undertaking; and to ſettle, with Conſent of the Parties concerned, what Satisfaction every Perſon ſhall have for ſuch Proportion of his Lands, &c. as ſhall be cut or prejudiced; and what Share every Tenant, or other Perſon having a particular Eſtate in the Premiſſes, ſhall have for his Damages; and if the Undertakers, or any other Perſon, ſhall be diſſatisfied with their Determinations, or ſhall, by the

Space of Twenty Days after Notice, refuſe to treat, or through Diſability cannot, the Commiſſioners are to iſſue out their Warrant to the Sheriff of the County of *York*, for impanelling a Jury of Twenty-four Freeholders to appear before the Commiſſioners at ſuch Time and Place as ſhall be directed in the Warrant, not leſs than Nine Days after the Time of ſerving the Warrant, and to return in Iſſues on every Perſon ſo returned the Sum of 40 *s.* which, in Caſe of Default, ſhall be eſtreated on him by Warrant from the Commiſſioners, to the Uſe of the Undertakers; and the Sheriff ſhall forfeit for Default of making ſuch Return; and for every Perſon returned and not qualified, 50 *l.* of which Perſons ſo returned, Twelve ſhall be ſworn to try the Facts; and in Default of a ſufficient Number, the Sheriff ſhall return other honeſt Men of the Standers-by, and all Parties concerned ſhall have their lawful Challenges: And the Commiſſioners may ſummon Witneſſes, and order the Jury to view the Matters in Queſtion; and the Jury ſhall enquire of, and aſſeſs ſuch Damages as they ſhall think juſt; and the Commiſſioners ſhall give Judgment for ſuch Sums as ſhall be aſſeſſed by the Jury, which Verdict and Judgment thereon ſhall be concluſive; and the Verdicts and Judgments ſhall be fairly written by the Commiſſioners Clerks, and tranſmitted to be kept at *Sheffield* by the Clerk of the Corporation of Cutlers there, and ſhall be deemed good Evidence in Law or Equity; and all Perſons may have Recourſe to the ſame *gratis*, and take Copies thereof, paying for every Hundred Words 6 *d.* And on Payment of the Monies aſſeſſed, or legal Tender thereof, the Undertakers may remove, pull down, dig, uſe, *&c.* ſo much of the ſaid Mills, Wears, Lands, *&c.* for which ſuch Satisfaction ſhall be adjuſted and decreed, and may do any Matter or Thing for carrying on the ſaid Navigation, as ſhall be neceſſary, and have and enjoy the ſame for their own Uſe: And this Act ſhall indemnify the Commiſſioners and Undertakers, and all Perſons acting under them, againſt all other Perſons whatſoever.

IX. *Sect.* 3. The Undertakers ſhall not take, cut or meddle with any Lands, Hereditaments or Profits of any Perſon whatſoever for making the River navigable, or making any ſuch Cut, Bridge or Haleing-ways, 'till ſuch Payment or Tender as aforeſaid (except to Survey, take a Level, or mark out the Ground they intend to uſe).

X. *Sect.* 4. Any Seven or more of the Commiſſioners ſhall have Power to impoſe reaſonable Fines on any Perſons that ſhall be returned on the Jury, and refuſe to be ſworn, or being ſworn on ſuch Jury, ſhall refuſe to give Verdict concerning the ſame, or who ſhall in any other Manner wilfully

wilfully neglect their Duty therein; and likewiſe on ſuch Perſons (not being a Peer or Peereſs of *Great Britain*) ſummoned to give Evidence, who ſhall neglect to appear at the Time and Place appointed for that Purpoſe; or appearing, ſhall refuſe to be ſworn, give Evidence, or be examined before the Commiſſioners, and to eſtreat the Goods of any Perſons offending, by Warrant under their Hands and Seals, to be directed to the Conſtable, or other Officer where the Offender lives, which Conſtable, &c. is required to execute the ſame, ſo as no Fine exceed 40 *s.* and all ſuch Fines are to be paid to the Undertakers, to be employed towards the Advancement of the Navigation.

XI. *Sect.* 5. No Perſon ſhall act as a Commiſſioner in any Caſe where he is directly or indirectly intereſted in the Matter in Queſtion: Nor ſhall any Perſon act as a Commiſſioner in any the Caſes before-mentioned, unleſs he is ſeized of an Eſtate of Freehold in Lands, Tenements, &c. of the yearly Value of 100 *l.*

XII. *Sect.* 6. No Perſon ſhall be ſworn to ſerve on a Jury, or be examined as a Witneſs, where he is any Ways directly or indirectly concerned in the Matter in Queſtion.

XIII. *Sect.* 7. If any Perſon, at any Time after the Undertakers ſhall begin to make the River *Dun* navigable, ſhall ſuſtain any Damage in his Lands, Grounds, Mills, &c. or other Hereditaments, for which he ſhall have had no Recompence by Agreement of the Parties, or Verdict and Judgment of the Commiſſioners, by any Act, Neglect or Default of the Undertakers, their Agents or Work-men, or by Reaſon of any Alteration which ſhall be made by the Undertakers, on the ſaid River, Cuts, &c. or any Bank thereof; in ſuch Caſe any Seven of the Commiſſioners ſhall enquire of and aſcertain ſuch Damages, by a Jury to be returned and impanelled as aforeſaid, and give Judgment for the Party grieved, and record the ſame in the ſame Manner and Form, as the Recompence and Damage are hereby appointed to be aſſeſſed and adjudged for any Lands, &c. that ſhall be made uſe of, cut, or damnified in making the River navigable; and in Default of Payment by a Day to be appointed by the Commiſſioners, they, or any Seven of them, ſhall, by Warrant under their Hands and Seals, authorize ſuch Perſons as they ſhall think fit, to levy the ſame by Diſtreſs and Sale of the Goods of the Undertakers, together with ſuch Coſts and Damages as the Commiſſioners ſhall in ſuch Warrant direct, rendring the Overplus to the Undertakers; otherwiſe the Party ſo grieved may have Remedy for the Sums ſo aſſeſſed, which ſhall not be paid according to the Judgment of the Commiſſioners, by Action of Debt, in any Court of Record,

againſt

againſt the Undertakers, to recover the ſame with their Coſts and Damages.

XIV. *Sect.* 8. Nothing in this Act ſhall extend to impower the ſaid Maſter, Wardens, &c. Undertakers of the ſaid Navigation, to erect any new Dam or Wear, croſs or in the Chanel of the ſaid River, or to heighten or make lower any Dam or Wear croſs the ſaid Chanel, at or near *Holmeſtile*, or about *Doncaſter*, now in Being, or to take, pull down, or deſtroy any Forges, Iron Works or Mills ſtanding on the ſaid River.

XV. *Sect.* 9. Nothing in this Act ſhall extend to impower the ſaid Maſter, Wardens, &c. to make or continue the intended Navigation between a Place called *Eaſtwood*, below *Rotherham*, and *Jordan-Dam* above *Rotherham*, in any other Manner, or by any other Means, than by taking the Water out of the River from *Rotherham Highdam* to below the Shallows at *Eaſtwood*, by a Cut on the North Side of the River, and by a Cut from thence to the Shallows next above *Rotherham Highdam*, into a Dam called *Jekles-Dam*, on the South Side of the River, and from below the next Shallows, called *Deadmean's Ford*, by a Cut out of the River on the South Side thereof, into *Jordan-Dam*.

XVI. *Sect.* 10. The Undertakers ſhall not make any Cut for carrying on the Navigation above *Rotherham* Bridge, unleſs they ſhall have given ſufficient Security to the Value of 3000 *l.* to the Lord *Frederick Howard*, his Heirs and Aſſigns, if required, to be approved of by his Counſel, learned in the Law, to repair and make good all ſuch Loſs and Damage as he ſhall ſuſtain by their prejudicing any of his Mills, Wears or Works, by any Cuts or Locks that ſhall be made by them above *Rotherham* Bridge; and the Undertakers ſhall take eſpecial Care, and particular Regard ſhall be had, that in placing the Lock at *Jordan-Dam*, and in the Uſage of the ſame, the Stream of Water that runs from the Dam to the Goite, called *Holme Goite*, ſhall not be diverted or hindred from ſerving the Works that ſhall be thereon erected by the Lord *Frederick Howard*.

XVII. *Sect.* 11. The Undertakers ſhall not make more than one Cut out of the River, between *Aldwark Mill-dam* and *Thribergh Mill-dam*; which Cut ſhall be made on the oppoſite Side of the River to *Aldwark*.

XVIII. *Sect.* 12. Nothing in this Act ſhall extend to impower the Undertakers to take Water out of the River *Dun*, by any Cut nearer to *Kilnhurſt Forge*, than out of *Thribergh Dam*; which Cut ſhall be continued from the ſaid Dam, till it comes below the Forge at *Kilnhurſt*, and ſhall be let into the River below the ſaid Forge: Nor ſhall this Act impower the Undertakers to continue the Navigation

of

of the River *Dun* by *Sprotborough*, otherwiſe than by placing a Lock near the Water-Engine there, and where the old Lock ſtood, and paſſing the Canal and Bridge there; and from thence to cut through the Land betwixt the Bridge and the Place where the Boat Rope is fixed.

XIX. *Sect.* 13. The Dam or Water-Engine now erected, or hereafter to be erected in the ſame Place, for ſupplying the Inhabitants of *Doncaſter* with the River Water there, ſhall not be removed or otherwiſe damaged, nor any Work or Cut be made between the *Mill-Dam* and *Holmſtile*, to obſtruct or prejudice the preſent Current of the Stream that ſupplies the Engine with the River Water, 'till ſuch Price ſhall be given or ſecured by the Undertakers, to the Proprietor of the ſaid Engine for his Term and Intereſt therein, as Sir *Thomas Saunderſon* and *John Hedworth*, Eſqs; ſhall award; or ſome other Agreement be made between the Undertakers and the Proprietors, touching the ſaid Engine, Cuts and Works.

XX. *Sect.* 14. If any Wear or Dam, now ſtanding croſs the River, for the Uſe of any Forge, Wheel or Mill, ſhall be ſuffered to go to Ruin, or be let out of Repair, it ſhall be lawful for the Undertakers, either in the ſame or any other Place, at their Pleaſure, to erect or make any other Wear in lieu thereof, of the ſame Height, and having the ſame Effect as to the Navigation; or otherwiſe to uſe the Water of the River for making or preſerving the Navigation, in ſuch Manner as ſhall be thought convenient, without Damage to the other Wears or Mills on the River, but without Regard to the Wheels, Mill or Work to which the Wear ſo ſuffered to decay did belong.

XXI. *Sect.* 15. The Undertakers or Proprietors of the Navigation, after the River ſhall be made navigable into the Townſhip of *Tinſley*, ſhall, at their own Coſts and Charges, make a good Road, either ſet or pitched with Belders, or trench'd, thrown up and gravelled at leaſt Seven Yards wide, for all Manner of Carts and Carriages from the Wharf where the Navigation ſhall end at *Tinſley*, to the Bridge over the River at *Sheffield*, called, *The Lady's Bridge*, and ſhall uphold and repair the ſame, and all other the Roads in the Townſhip of *Tinſley*, and always keep them in good and ſufficient Repair, and ſhall be liable to be indicted and fined at the Aſſizes for the County of *York*, or at the Quarter-Seſſions of the Peace for the Weſt-Riding of that County, for any Neglect or Default in repairing the ſame; and if upon ſuch Indictment they ſhall be found guilty, they ſhall be fined by the Court ſo much Monies as ſhall be ſufficient to make good and repair ſuch Way; which Fine ſhall be levied by a Precept of the Court,

Court, in which ſuch Indictment ſhall be tried, directed to the Sheriff of the County, who ſhall levy the ſame out of the Goods and Chattels of the Proprietors of the Navigation, or by ſtopping and retaining the Lock-Dues on the River 'till ſuch Fine ſhall be raiſed and paid; and ſhall pay the ſame, when raiſed, into the Hands of the Overſeers of the Highways for the Townſhip or Place in which the Road ſhall lie, to be applied to repair the ſame.

XXII. *Sect.* 16. The Undertakers may take one Penny for every cuſtomary Ton of Goods which ſhall be brought up into, or carry'd down from and through the Townſhip of *Tinſley*, upon the ſaid River, over and above all Lock-Duties which they are hereby impowered to collect, and ſhall apply the ſame to the making and repairing the ſaid Way.

XXIII. *Sect.* 17. Nothing herein ſhall excuſe the Inhabitants of the ſeveral Townſhips and Places in which the Way lies, from contributing to the Repair thereof, with their Carts, Carriages, Days Works, or otherwiſe, as they are now obliged to do by Law.

XXIV. *Sect.* 18. In Conſideration of the great Charges and Expences the Undertakers ſhall be at, not only in making the River *Dun* navigable, but alſo in making, erecting, repairing, cleanſing, maintaining, keeping up and continuing the Wears, Works, Locks, Dams, Sluices and Bridges, and other Matters neceſſary to be made and erected, it ſhall be lawful for the ſaid Corporation of Cutlers, and no other, at all Times hereafter, to demand, receive, recover and take, for their own proper Uſe and Behoof, the ſeveral Rates and Duties for Tonnage, beſides what may be paid for Freight, as they ſhall think fit, not exceeding 2 *s.* 6 *d.* for every Fodder of Lead or Lead Ore; or 3 *s.* for every cuſtomary Ton of Iron, Steel, Horns, Hoofs, Bones, and Box-Wood; or 3 *s.* 6 *d.* for every Ton of Deals, Boards, or Timber of Foreign Growth, Cheeſe, Salt, Corn, Cutlery Wares, Iron Wares, Groceries, or other Merchandizes; or 6 *d.* for every Ton of Lime or Lime-ſtone brought up the River to *Rotherham*, or above *Aldwark Waſh*; or 9 *d* for every Ton of Lime or Lime-ſtone brought up to *Tinſley*; or 3 *d.* for every Ton of Lime or Lime-ſtone carry'd up or down the River to *Doncaſter Waſh*, or any other Place between *Aldwark Waſh* and *Doncaſter*; or for every Chaldron of Coals, Stone, Iron, Sough, Mettle, Wood and Timber, which ſhall be carried from the Head of the Navigation, or any Part of the Lordſhip of *Tinſley* down to *Holmeſtile* or *Don aſter*, or from *Doncaſter* or *Holmſtile* up to *Tinſley* (except Wood and Timber of *Engliſh* Growth, for which only 1 *s.* 6 *d. per* Ton is to be paid; and from *Rotherham*

to

to *Holmſtile*, no more than than 1 *s. per* Ton) not exceeding 2 *s.* 6 *d.* and from *Rotherham* not exceeding 2 *s.* or on any Part thereof between *Rotherham* and *Kilnhurſt* Works, and from thence to *Denaby*, *Mexburgh*, and *Cuninsborough*, not exceeding 1 *s.* 6 *d.* or on any Part thereof between *Cuningsborough* and *Holmſtile*, not exceeding 1 *s.* and the ſaid Duties ſhall be paid for every greater or leſſer Quantity of the ſeveral Commodities before named, after the ſame Rates and Proportions before mentioned; the ſame ſeveral Rates and Duties to be paid at ſuch Places, near the River, and in ſuch Manner, as the Undertakers ſhall appoint.

XXV. *Sect.* 19. The Managers of every Boat or Veſſel going by the ſaid Places, ſhall give an Account what Quantity of Goods they have in, or belonging to their reſpective Veſſels, from whence they have brought them, whoſe they are, and where they intend to land them; and if they refuſe to give ſuch Account, or give a falſe Account, they ſhall forfeit to the Undertakers 5 *s.* for every Ton of Goods which ſhall be in ſuch Veſſels, over and above the Rates and Duties aforeſaid; and in Caſe of Neglect or Denial of Payment, on Demand, of the ſaid Duties and Forfeitures, or any Part thereof, the Undertakers may ſue for the ſame by Action of Debt or upon the Caſe, in any Court of Record, in which Actions no Wager of Law ſhall be allowed, nor above one Imparlance; and may make Stay of, diſtrain and detain any Goods or Veſſels, wherein ſuch Goods or other Things are carry'd, for which ſuch Rates and Prices, and other Payments are to be paid, till Payment thereof, together with reaſonable Charges for taking and detaining ſuch Diſtreſs; and if the Diſtreſs ſhall not be redeemed within Four Days after the taking thereof, the Perſon diſtraining may, with the Conſtable, Headborough, or other Officer of the Peace, where the Diſtreſs ſhall be taken, cauſe the Goods or Veſſel, or ſome Part thereof, to be appraiſed by Two ſworn Appraiſers to be appointed by the Conſtable, *&c.* who is hereby impowered to ſwear to appraiſe the ſame truly and indifferently; and, after ſuch Appraiſement, may ſell the ſame, or any Part thereof, for Satisfaction of the Duty, and other Payments, and the Charge of ſuch Diſtreſs, Appraiſement, and Sale, leaving the Overplus in the Hands of the Conſtable, *&c.* for the Owner's Uſe.

XXVI. *Sect.* 20. If any of the Commiſſioners die, or refuſe to act, any Seven or more of them aſſembled together, may appoint a Meeting of Commiſſioners at *Sheffield* or *Rotherham*, for the Election of new Commiſſioners to ſupply their Places, and ſhall give Fourteen Days Notice at leaſt of the Time and Place of ſuch Meeting, by affixing the Notice in Writing, on the Market Croſſes of the Towns of

Sheffield, *Rotherham*, *Doncaſter*, *Barnſley*, *Cheſterfield*, and *Bakewell*, Fourteen Days at leaſt before the Time of Meeting; and if there be Fifteen or more of the Commiſſioners aſſembled at the Time and Place of Meeting, they may proceed to elect new Commiſſioners in Lieu of ſuch as are dead, or refuſe to act; and the Perſons choſen by the Majority of the Commiſſioners then preſent, ſhall be recorded by the Commiſſioners Clerk, to be ſo choſen, and ſhall, from thenceforth, if duly qualified, be and act as Commiſſioners for all the Purpoſes aforeſaid, and ſhall have the ſame Power and Authority in all Things relating to the Matters aforeſaid, as if they had been nominated and appointed by this Act.

XXVII. *Sect.* 21. It ſhall be lawful for the Undertakers, their Agents, Servants, Workmen, *&c.* to ſet up, and for them, their Boatmen and Watermen paſſing or navigating on the River, or in any of the Cuts, *&c.* Winches or other Engines, and with the ſame, by the Strength of Men, Horſes, or Beaſts going on the Banks or Lands, near the River, Cuts, *&c.* in convenient Manner, without Hindrance or Interruption of any Perſons, to draw, hale, or tow up and down the River Boats and other Veſſels.

XXVIII. *Sect.* 22. The Undertakers ſhall, at their own Coſts and Charges, make, ſet up and maintain convenient Gates and Bridges, Paſſages and Stiles, in all the Ditches, Hedges and Fences in the Towing Paths; and ſhall alſo make and maintain ſufficient Bridges over the new Cuts and Paſſages for Water, where neceſſary, for the Uſe of the Occupiers of the adjoining Lands, *&c.* to make them convenient Paſſages to and from their Lands, in ſuch Manner as any Seven or more of the Commiſſioners ſhall direct; and ſhall not obſtruct or deſtroy any Bridges, Highways, publick uſual Fords or Paſſages over the River, till they ſhall have firſt, at their own Coſts and Charges, made and perfected ſuch other Conveniencies, at or near the ſame Places for paſſing the ſame, as any Seven or more of the Commiſſioners ſhall judge proper, Notice being firſt given to all the Commiſſioners who ſhall then be reſiding within Twelve Miles of *Sheffield*, of the Time and Place of the Meeting, to adjudge and determine of ſuch Conveniencies, at leaſt Twenty Days before ſuch Meeting; and all ſuch Bridges and other Conveniencies ſhall be maintained in good Repair by the Undertakers.

XXIX. *Sect.* 23. If the Undertakers ſhall make any new Cuts, Trenches, or Paſſages for Water, by Reaſon whereof, or by Means of the Navigation, any Perſon ſhall not have convenient Ingreſs or Egreſs into or out of his Lands, *&c.* as he before that Time had, or as Occaſion ſhall require;

quire; in ſuch Caſe the Undertakers ſhall, at their own proper Coſts and Charges, make, erect, and from Time to Time maintain ſuch ſufficient Bridges or other Paſſages over every ſuch new Watercourſe, Cut, &c. as by any Seven or more of the Commiſſioners ſhall be directed, ſo as to make the Proprietors as convenient Paſſages to their Lands, as they had before ſuch Cut was made.

XXX. *Sect.* 24. Every Maſter and Owner of any Boat or other Veſſel, ſhall be anſwerable for any Damage or Miſchief that ſhall be done by his Veſſel, or by any of the Boatmen, Watermen, or Crew, to any Bridges, Wears, Locks, Dams, Engines, or other Works, ſo to be erected, as aforeſaid, and for any Treſpaſs or Damage that ſhall be done to the Proprietors of any Buildings, Gardens, Lands or Tenements, adjoining or near to the ſame, or to the River *Dun*, otherwiſe than is provided for by this Act; and the Maſter or Owner of every ſuch Boat or Veſſel may be ſued for every ſuch Treſpaſs or Damage, which ſhall be done by any of his Boatmen or Servants, in any Court of Record; and if found guilty, and a Verdict be had againſt him, or Judgment be given againſt him, upon Demurrer or Default, the Plaintiff ſhall not only recover the Damages thereby ſuſtained, but alſo his full Coſts: And if any Boatman or Waterman navigating on the River, within the Limits aforeſaid, and paſſing a Lock then with any Boat or Veſſel, ſhall neglect, immediately after the Boat ſhall have paſſed the Lock, to ſhut the Lock, and the Gates and Cloughs thereof, or ſhall draw more Water thereout than was neceſſary to paſs the Veſſel through the Lock, the Maſter and Owner of every ſuch Boat or other Veſſel ſhall, for every ſuch Neglect at every Lock, incur the Penalty of 40*s.* which ſhall be forfeited and paid to the Occupiers of the Forges, Wheels and Mills ſtanding on the River, who might have had the Uſe of the Water loſt by Reaſon of ſuch Neglect; which Penalty the Occupiers of ſuch Forges, &c. may ſue for, and recover with full Coſts, in any of his Majeſty's Courts of Record; and to the End the Owners of ſuch Boats may be better known, every Owner of any Boat or other Veſſel paſſing on the River, ſhall cauſe his Name to be ſet in legible large Capital Letters on the Outſide of the Veſſel, higher than the ſame ſhall ſink, when loaded, in the Water; and if any Perſons, in dry Seaſons of the Year, ſhall open any of the Locks for other Purpoſes than the neceſſary Uſe of the Navigation, to the Damage or Detriment of the Mills, Wheels, Forges or Works on the River; or if any Perſons ſhall, at any of the Mills, &c. wilfully ſet and leave open the Gates or Shuts thereof, to let the Water run to Waſte, to the Hindrance of the Navigation, the Offender,

on

on Conviction thereof before any Juſtice of the Peace, by the Oath of one Witneſs, ſhall forfeit to the Poor of the Pariſh where the Offence ſhall be committed, 40 *s.* and in Default of Payment ſhall be ſent to the Houſe or Correction, to be kept to hard Labour for any Time the Juſtice ſhall direct, not exceeding Three Months. And the Poſſeſſors and Owners of *Thribergh* Forge, and *Kilnburſt* Forge, and the ancient Slitting Mill and Forge, and Works intended to be erected at *Holmes*, and of the Corn-Mill at *Aldwark*, may, if they think fit, eſpecially in dry Seaſons of the Year, appoint a Perſon to attend the ſame, who ſhall be paid by the Undertakers ſuch Salary, not exceeding 12 *d.* by the Day, or after that Rate for the Time he ſhall ſerve, as the Occupiers or Owners of the ſaid Forges ſhall appoint, and ſhall open the Lock to let the Veſſels paſs, upon every Demand, and ſhall immediately after ſhut it up again, and the Cloughs thereto belonging; and it ſhall be lawful for the Occupiers of the ſaid Forges to make a Cut or Communication between the Fore-Bays, or Heads of Water, to the Forges, and the Cuts taken out of the River for the Navigation, at the Level of the Dam next above the Forges reſpectively, to heighten the Head of Water at the ſaid Forges, Mills or Works, which now are, or hereafter ſhall be built at *Holm*, *Thribergh* or *Kilnburſt*, agreeing firſt with the Owners of the Lands for Liberty to make a Cut through their Lands for the ſaid Purpoſes, and doing no Damages to the Navigation.

XXXI. *Sect.* 25. There ſhall be a free Navigation from *Holmeſtile* in *Doncaſter* to the utmoſt Extent of the Townſhip of *Tinſley*, Weſtward, for all Boats and other Veſſels; and the Undertakers, *&c.* and all other the King's Liege People, (paying the ſaid Rates and Duties) may, with their Goods and Merchandizes, have free Paſſage, in, along, through, and upon the River, or any Part thereof, and the Cuts that ſhall be made out of the ſame, and through all the Locks and Dams between *Holmeſtile* and the utmoſt Extent of the Lordſhip of *Tinſley*, and ſhall have the Uſe of the Towing and Haling Paths and Ways, and all other neceſſary Liberty for navigating the ſame, without Let or Hindrance, paying the Rates and Duties hereby appointed to be paid to the Undertakers.

XXXII. *Sect.* 26. It ſhall be lawful for the Owners and Occupiers of Lands or Tenements adjoining to the River, or intended navigable Paſſages, to uſe any Pleaſure-Boat on the River, without Interruption from the Undertakers, without paying any Duty, ſo as the Pleaſure-Boats are not made Uſe of for carrying Coals, Stone, Slate, Wood, or other Goods, Wares, or Merchandizes, ſaving always to the

Lords or Proprietors of all Royalties, and Liberties of Fiſhing and Fowling on the River, their Rights and Privileges.

XXXIII. *Sect.* 27. The River *Dun*, between the Lordſhip of *Tinſley* and *Holmſtile*, or any of the Cuts, *&c.* which ſhall be made by the Undertakers, for making the River, and the ſaid Cuts, *&c.* navigable, portable and paſſable, ſhall not be under the Order or Survey of any Commiſſion of Sewers, nor ſubject to any Law or Statute made for Sewers.

XXXIV. *Sect.* 28. All the Locks on the River, Cuts, *&c.* ſhall be opened on Demand for the free Paſſage of any Boat or Veſſel, and for all Fiſhing or Pleaſure-Boats, and Boats carrying Manure, except in dry Seaſons in the Months of *May*, *June*, *July*, *Auguſt* and *September*, though no Duty be paid for ſuch Boats.

XXXV. *Sect.* 29. It ſhall be lawful for the Undertakers to mortgage and convey the Profits and Duties hereby given them, for any Term of Years, to any Perſons, who will on ſuch Security advance any Sums of Money for carrying on the Work, for ſecuring the Payment thereof with Intereſt; which Money ſo borrowed ſhall be applied to the effecting the Navigation, and to no other Uſe.

XXXVI. *Sect.* 30. Nothing in this Act ſhall hinder the Lords of Manors, or the Owners of Lands or Grounds lying on the River, or through which the Cuts ſhall be made, from making or erecting any Warehouſes, Weigh-Beams, Cranes, Keys, Landing Places or Wharfs upon the River or Cuts, on their own Lands, Waſtes, or Grounds, ſo that the erecting of ſuch Warehouſes, *&c.* do not obſtruct or prejudice the Navigation, or any of the Powers given by this Act; and all Rates, Dues, and Duties, that ſhall be paid for the Uſe and Benefit of ſuch Warehouſes, *&c.* are hereby veſted in ſuch Lords of Manors, *&c.*

XXXVII. *Sect.* 31. The Mayor, Aldermen, and Burgeſſes of *Doncaſter*, their Succeſſors, *&c.* in Lieu and Satisfaction of the Toll of 4*d.* *per* Ton for all Goods coming up and going down to and from *Doncaſter*, and of 2*d.* *per* Ton for Wheel-Carriage of all Goods brought thither to be carry'd down the River, which they have Time out of Mind, and do now receive and enjoy, ſhall be entitled to, and are hereby impowered to demand, receive, recover, and take to their own Uſe, over and above all other Rates and Duties hereby before given to the Undertakers, the Sum of 1*d.* *per* Fodder for all Lead, and 2*d.* a Ton for all other Goods and Merchandizes, except Lime and Lime-ſtone, which ſhall be brought up or carried down the River to *Doncaſter*, or paſs by the ſame, (except ſuch as belong to the Inhabitants of ſuch Towns and Hamlets, as by any Charter, Cuſtom or Uſage,

ſage, have been exempted from the Payment of the ſaid Toll) to the Mayor, &c. of *Doncaſter*; and the like Duties ſhall be paid for every leſſer or greater Quantity of the Commodities before mentioned; which Rates and Duties ſhall be paid at ſuch Places near the River, and in ſuch Manner, as the Mayor, &c. of *Doncaſter* ſhall think fit to appoint; and they ſhall have the ſame Remedy for Recovery thereof, by Action or Diſtreſs, as is hereby given to the Undertakers for the Recovery of their Lock-Duties, and Duty of Tonnage.

XXXVIII. *Sect.* 32. Nothing in this Act ſhall extend to impower the Undertakers to make any Lock at the Head of the Cut to be made into *Thribergh* Dam, or above *Raw-Marſh* Brook; but the ſame ſhall remain open, and the Gates of all the Locks that ſhall be placed on the Cut from *Thribergh* Dam to below *Kilnhurſt* Forge, ſhall be made full of Cloughs, and contrived ſo as to let off the Water in the Cuts for the ſecuring of the Lands and Works at *Thribergh* and *Kilnhurſt*; and the Proprietors of ſuch Lands and Works ſhall have full Power, in Times of Floods or large Freſhes of Water, to open the ſame, and draw the Water that might incommode their Lands and Works, ſo that they do no Prejudice to the Navigation thereby.

XXXIX. *Sect.* 33. The Undertakers ſhall at all Times, at their own Coſts, keep the Canal or Cut, which ſupplies the Water Engine at *Sprotborough*, belonging to *Godfrey Copley*, Eſq; with Water, in good Repair and Order, after they ſhall begin to make a Lock there; and ſhall alſo make the Bridge over the Canal fit and convenient for Carts and other Carriages, and preſerve the ſame in good Repair; and they ſhall make the Floodgate of the intended Lock at *Sprotborough* of a ſufficient Height to keep the Water in the Canal at ſuch a Level, as will effectually ſupply the Water Engine with a ſufficient Quantity of Water; and ſhall do all other Matters and Things for that Purpoſe; and the Lock at *Sprotborough* ſhall not be made Uſe of by the Undertakers for any other Purpoſes, than for the Paſſage of Boats, Barges, and other Veſſels through the ſame, and that with as little Expence and Loſs of Water as may be: And if there ſhall happen, in any dry Seaſon, not to be a ſufficient Quantity of Water in the Canal to ſupply the Water Engine, and to ſerve the Uſe of the Navigation; in ſuch Caſe it ſhall be lawful for the ſaid *Godfrey Copley*, his Heirs, &c. to keep the Floodgates of the Lock ſhut between the Hours of Six and Ten a Clock in the Morning in each Day, during ſuch dry Seaſon, and ſtop the Paſſage of all Boats, &c. thro' Lock, during ſuch Time.

XL. *Sect.* 34. The Undertakers ſhall not make any Cut or Lock at *Sprotborough*, till they ſhall accept of a Leaſe from the ſaid *Godfrey Copley*, his Heirs, &c. of his Corn-Mills at *Sprotborough*, for the Term of Twenty-one Years, to commence at *Michaelmas* 1726, at the yearly Rent of 20*l.* payable half-yearly without any Deduction, and execute a Counterpart thereof, with Covenants therein, on the Part of the Undertakers, at their Coſts and Charges, to put the Mills in good Repair and Order, and to keep and leave them in that Condition at the Expiration of the ſaid Term of Twenty-one Years, and that the Mills ſhall not be made Uſe of for any other Purpoſe than Corn-Mills, and no ways to the Prejudice of the Water Engine, and with ſuch other Covenants, as well on the Part of the Leſſor as of the Leſſees, as were in the laſt Leaſe of the Mills; which new Leaſe the ſaid *Godfrey Copley*, who is now of the Age of Nineteen Years and upwards, is hereby enabled to grant, with the Conſent of *Mary Copley* his Mother, or of his Guardians, notwithſtanding his Infancy.

XLI. *Sect.* 35. And for ſecuring the Payment of the Rent, and the Performance of the Covenants, the Undertakers ſhall aſſign 20*l. per Annum* out of the Duties which ſhall ariſe by the intended Navigation, to the ſaid *Godfrey Copley*, his Heirs, &c. or to ſuch other Perſons as he or they ſhall appoint.

XLII. *Sect.* 36. If ſuch Leaſe be not tendred to the Undertakers by the Twenty-fourth of *June*, 1726, they ſhall be at Liberty to make the intended Cut or Lock at *Sprotborough*; but ſhall nevertheleſs be obliged to accept ſuch Leaſe, and give ſuch Security for the Rent, and Performance of the Covenants, as aforeſaid, if ſuch Leaſe be tendred to them before the Twenty-fourth of *June*, 1729.

XLIII. *Sect.* 37. It ſhall not be lawful for the Undertakers to make any Wharf or Warehouſe on any Lands belonging to the ſaid *Godfrey Copley*, on either Side of the River, within the Space of 500 Yards above the Wear or Dam at *Sprotborough*.

XLIV. *Sect.* 38. In Recompence to *Henry Broadhead*, Gent. for a Leaſe made to him by the Mayor, &c. of *Doncaſter*, for the Term of Twenty-one Years, of a Corn-Mill called *Doncaſter* Mill, about Eleven Years whereof are yet to come and unexpired; and whereas the making the Cuts and Locks neceſſary for the ſaid Navigation, may be of ſome Prejudice to that Mill, or the working thereof, the ſaid *Henry Broadhead*, his Executors, &c. ſhall and may receive, during the Continuance of the ſaid Leaſe and Term in the Mill, a Toll of 8*d.* for every Boat or Veſſel loaded with more than Two Ton, that ſhall paſs by the ſaid Mill

on the River *Dun*, or the Cut to be made out of the ſame; and it ſhall be lawful for the ſaid *Henry Broadhead*, his Executors, &c. to ſtop any Boat or Veſſel, and hinder the ſame from paſſing the Lock, at or near the Mill, which he is hereby impower'd to keep ſhut till the ſaid Toll be paid by the Boatmen, or Managers of ſuch Boat: Provided nevertheleſs, that the Boatmen or Owners of every ſuch Boat or Veſſel may ſtop and retain the ſaid Sum of 8 *d.* out of the Duties of Tonnage and Lock Dues, which they are hereby obliged to pay for the Paſſage of every ſuch Boat by the Town of *Doncaſter* to the Undertakers, except ſuch Duties as are to be paid to the Corporation of *Doncaſter*, in Lieu of their antient Toll.

XLV. *Sect.* 39. The Undertakers ſhall not be hereby enabled to make any Cut out of *Doncaſter* Corn-Mill Dam, or out of the River, in any Place between the ſaid Dam and *Holmſtile*, on the North Side of *Doncaſter* Corn-Mill, or on the North Side of the ſaid Mill Goite, or to make any Haleing Path on the Banks of the ſaid Goite lying on the North Side thereof, or to erect any Warehouſe, Wharf or Crane, or to cut any Land in any Manner on the North Side of the Mill Goite.

XLVI. *Sect.* 40. If any Action be commenced for any Thing done in Purſuance of this Act, the Defendant may plead the General Iſſue, &c. and on Judgment, &c. ſhall recover his Coſts.

XLVII. *Sect.* 41. This Act ſhall be allowed in all Courts within this Kingdom as a publick Act, and all Judges, Juſtices, and other Perſons are hereby required to take Notice thereof as ſuch, without ſpecial pleading the ſame.

XLVIII. *Stat.* 13 *Geo.* 1. *c.* 4. *Sect.* 1. It ſhall be lawful for the Mayor, Aldermen, and Capital Burgeſſes of the Town of *Beverley* in the Eaſt-Riding of the County of *York*, and their Succeſſors, and they are hereby authorized at any Time after the Firſt Day of *May*, 1727, to cleanſe, ſcour, open, deepen and widen the Creek or Cut called *Beverly Beck*, of old Time made from the ſaid Town to the River *Hull*, which runs into the *Humber*, and alſo to repair, amend, and maintain the publick Staiths or Landing Places adjoining to the ſaid River and Beck, and the Roads leading from the ſaid Town to the River *Hull*, and to do all other Matters and Things which they ſhall judge neceſſary for the ſaid Purpoſes.

XLIX. *Sect.* 2. At all Times after the ſaid Firſt Day of *May*, 1727, there ſhall be paid by every Maſter or other Perſon, having the Command, Management or Working of any Ship, Boat, Keel, Wherry, Lighter, Hoy, or other

Veſſel, which ſhall paſs up or down the ſaid Beck, or the River *Hull*, in Order to lade or unlade any Goods, Wares or Merchandizes in any Part of the ſaid Beck, or at any of the ſaid publick Staiths, or any of the Places called *Grevil* or *Beck End*, or at any Place between *Figgam Clow* and *Swindmoor Clow*, on the River *Hull*, or at any other Place whatſoever along the ſaid Beck or River *Hull*, within the Limits or Precincts of the Town of *Beverley*, before the unlading of any Goods, *&c.* at any of the ſaid Places, or any other Place within the ſaid Liberties, or having laded at any of the ſaid Places or Liberties, before they go from thence, the Tolls or Duties following, *viz.*

For every Chaldron of Coals *Wincheſter* Meaſure, 4 *d.*
For every Quarter of Oats, Barley or Malt, 2 *q.*
For every Quarter of Wheat, Rye, Meſeldine, or any other Grain, 3 *q.*
For every Ton of Salt, 4 *d.*
For every Three Hogſheads of Sugar, Tobacco, Melaſſes, or Hogſheads pack'd with other Goods, 4 *d.*
For every Three Puncheons of Liquor, 4 *d.*
For every Four Hogſheads of Wine, Spirits, or other Liquor, 4 *d.*
For every Eight Barrels of Soap, Raiſins, Oyl, Pitch, Tar, or pack'd with other dry Goods, 4 *d.*
For every Butt of Currans, or Two Half Butts, 4 *d.*
For every Two Pipes of *Smyrna* Raiſins, 4 *d.*
For every Sixteen Bags of Nails, 4 *d.*
For every Ton of Iron or Lead, 4 *d.*
For every Thirty-two Firkins of Butter, 4 *d.*
For every Twenty Hundred of Cheeſe, 5 *d.*
For every Ton of Timber or Stone, 4 *d.*
For every Thouſand of Bricks, 4 *d.* and of Tiles, 6 *d.*
For every Twenty Single Deal Boards, 1 *d.* and Double Boards, 2 *d.*
For every Two Bags of Hops, 4 *d.*
For every Quarter of Oatmeal, 1 *d.*
For every Pair of Millſtones, 2 *s.*
For every Sixty Bunches of Laths, 6 *d.*
For every Hundred of Faggots, 1 *d.*
For every Hundred of Pails, Barrel or Hogſhead Staves, 1 *d.*
For every Hundred of Handſpikes, 1 *d.*
For every Twenty Poles, 1 *d.*
For every Dozen of Cinders or Charcoal, 1 *d.*
For every Hide of Horſe, Cow, Bull, or other Hide, 1 *q.*
For every Twenty Sheepskins, 2 *q.*
For every Thouſand of Turfs, 2 *q.*
For every Quarter of Bark, 2 *q.*

For

For every Pack of Wool, or other Goods, 1 *d.*
For every Twelve Dozen of Bottles, 2 *d.*
For every Caſe or Cheſt of Glaſs, 2 *d.*
For every Thouſand of Firkin Staves, 4 *d.*
For every Dozen of coarſe Earthen Ware, 1 *q.*
For every Dozen of Shovels, 2 *q.*
For every Four Buſhels of Roots, or Fruit, 2 *q.*
For every Dozen of Calve-Skins, 1 *d.*
For every Hundred of Thatch, 4 *d.*
For every Chaldron of Lime, or Ton of Sand, 2 *d.*
For every Bundle of Hoops, 2 *q.*
For every Dozen of Chairs, 1 *d.*
For every ſmall Rundlet of Liquor, not exceeding Ten Gallons, 1 *q.*
For every ſmall Cask, Box, Truſs, or Parcel, not exceeding 100 lb. 1 *q.*

And ſo in Proportion for any greater or leſs Quantity of any of the above Goods or Ladings; and for every Ton of any other Sort of Goods, Wares, Merchandizes, or Lading whatſoever, not above mentioned, according to the Cuſtom of Water-Tonnage, 5 *d.* and ſo in Proportion for any greater or leſs Quantity, which ſhall be Water-born, and laded or unladed at any of the Places, or within the Liberties aforeſaid (except Cobles or Pebles for paving or repairing any of the Cauſeways in the ſaid Town or Liberties thereof) all which Sums ſhall be paid to the Mayor, Aldermen, and Capital Burgeſſes of *Beverley*, for the Time being, and their Succeſſors, or to ſuch Perſons as they ſhall by Writing under their Common Seal appoint to collect the ſame; and the ſame (after deducting the neceſſary Charges in obtaining this Act) ſhall be applied towards the cleanſing, ſcouring opening, deepening, widening and preſerving the ſaid Creek or Beck, and amending, repairing and maintaining the ſaid Staiths, Roads and Ways; and to no other Purpoſe whatſoever.

L. *Sect.* 3. It ſhall be lawful for the Mayor, *&c.* in Common Council aſſembled, or the major Part of them, at all Times after the ſaid Firſt Day of *May*, 1727, by Writing under their Common Seal, to nominate and appoint ſuch Perſons as they ſhall think fit, to be Collectors and Receivers of all the Money that ſhall become payable by Virtue of this Act, (making reaſonable Allowances to them, and all other Officers and Perſons to be employed in the Premiſſes, for their Care and Pains in the Execution of their Offices) and the Collectors and Receivers ſhall pay the Money into the Hands of ſuch Perſons as the Mayor, *&c.* ſhall appoint; and the Mayor for the Time being, or any Two Juſtices of the Peace of the ſaid Town, are hereby impowered to adminiſter an Oath to every Collector, Receiver, and other Officer,

to be appointed as aforesaid, for the true and faithful Execution of his Office about the Premisses, according to the true Meaning of this Act.

LI. *Sect.* 4. It shall be lawful for the Mayor, &c. and such Persons as they shall appoint at all Times to inspect and take Account of the Collections, Receipts and Disbursements of all the Monies received by Virtue of this Act, and to call before them the Collectors and Receivers, and other Persons who shall be intrusted with the Receipt or Disbursement of the Money; all which Persons are required to render true Accounts thereof; and in Case any of them shall refuse to account, or shall neglect so to do for the Space of Ten Days after Demand, it shall be lawful for the Mayor, or any Two Justices of the Peace for the Town, to commit such Collectors, &c. to the Common Gaol, without Bail, till they give in a full and true Account.

LII. *Sect.* 5. The Mayor, or Two Justices, may by Warrant under their Hands and Seals, levy by Distress and Sale of the Goods and Chattels of Persons accountable, such Sums of Money, as they shall, on due Examination and Evidence of any credible Witness, on Oath, or by other legal sufficient Evidence, or by Confession of the Party, appear to be chargeable with, and accountable for; and for Want of sufficient Distress, may commit the Persons to the Common Gaol of the Town, till they pay, or secure to be paid, such Sums as they shall be chargeable with.

LIII. *Sect.* 6. Every Master, or other Person, having the Command, Management, or Working of any Ship, Boat, Keel, Wherry, Lighter, Hoy, or other Vessel, shall, before he unlade any Part of his Freight, at any of the said Places or Liberties, or having laded, before he goes thence, deliver in Writing a true Account of the Quantity of Goods, or full Number of Tons, with which such Ship, &c. is laden, to the Collectors or Receivers, at such Place as the Mayor, &c. shall appoint for that Purpose; and shall there pay to the Collector the Money due for his Lading; which Collector shall, upon receiving the said Account and Money, give a Receipt for what he shall receive; which Receipt shall be a sufficient Warrant to the Master, &c. of any Ship, &c. to unlade his Freight, or to go out of the said Places; and the Receipt shall be produced to such Officer as shall be appointed by Virtue of this Act, when required: And if any Master, &c. of any Ship, &c. shall begin to unlade any Part of his Freight in any of the said Places or Liberties, or go out from thence, before he shall have delivered in such Account, and paid the Duty, and taken out his Warrant or Receipt (which the Collector shall give *gratis* on Demand, after Payment made, as aforesaid) he shall forfeit 5*l.* to be levied by Warrant under the Hand and Seal of

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the Mayor, or of any Two Juſtices of the Peace for the Town, or of any one Juſtice for the Eaſt-Riding of the County of *York*; and to diſtrain the Veſſel of the Perſon ſo offending, together with all the Tackle and Furniture thereof, and to detain the Diſtreſs till the Forfeiture is paid; and on Non-payment in Ten Days after the Diſtreſs taken, ſhall have full Power to ſell the Diſtreſs, and therewith ſatisfy the Penalty, and alſo the reaſonable Charge and Trouble in taking the Diſtreſs, rendring the Overplus to the Offender: Which Penalty ſhall be applied, one Moiety to the Informer, and the other Moiety for the Uſes of this Act.

LIV. *Sect.* 7. If any Maſter, *&c.* of any Veſſel, paſſing up or down the River *Hull*, or the ſaid Creek or Beck, lading or unlading, as aforeſaid, ſhall give in a falſe Account of the Freight or Number of Tons with which he is laded, and being thereof convicted on the Oath of one credible Witneſs, before the Mayor, or any Two Juſtices of the Town, he ſhall forfeit 20 *s.* to be levied by Warrant of Diſtreſs under the Hand and Seal of the Mayor, or Two Juſtices, upon ſuch Veſſel, or the Tackle or Furniture thereof; which Penalty ſhall be applied to ſuch Uſes, as the Duties payable by this Act are directed to be applied; and ſhall alſo pay the Duty for all ſuch Goods, *&c.* remaining in the Veſſel, as ſhall not appear to have been entred, and the Duty paid: But ſuch Maſter, *&c.* ſhall not be ſubject to the ſaid Forfeiture of 20 *s.* unleſs his Lading exceeds Three Tons more than he hath entred, and paid the Duty for: Provided ſuch Maſter do, within Twenty-four Hours after he has laden or unladen his Veſſel, pay to the Collector ſuch Duties, as are payable for ſuch Part of his Freight as he ſhall not have entred, and paid the Duty for.

LV. *Sect.* 8. It ſhall be lawful for the Receivers, Collectors, and other Perſons, ſo to be appointed by the Mayor, *&c.* of *Beverley*, to enter into, ſearch, examine and take an Account of the Lading of any Ship, Boat, *&c.* paſſing up or down the River *Hull* or Beck, for any Goods, *&c.* ſuſpected to be concealed, and for which a Duty ought to be paid by Virtue of this Act; and if the Perſons authorized to make ſuch Search, ſhall be refuſed to make the ſame, and to take ſuch Account of the Lading, every Perſon offending therein ſhall forfeit 20 *s.* to be levied by ſuch Ways and Means, and applied in ſuch Manner, as the laſt mentioned Penalty is to be levied and diſpoſed of.

LVI. *Sect.* 9. It ſhall be lawful for the Mayor, *&c.* of *Beverley*, out of the Duties hereby granted, to fix a Crane and make other Conveniencies for the more eaſy lading and unlading of Goods, and alſo to build One or more Offices, on a Piece of Ground called *The Old Waſte*, adjoining to the

ſaid

ſaid Creek or Beck, on the Eaſt Side thereof, wherein One or more Collectors or Receivers ſhall conſtantly reſide for receiving the Duties, and delivering the Receipts, from Six in the Morning to Six in the Evening, from the Tenth of *March* to the Tenth of *September* yearly, and from Eight in the Forenoon to Five in the Afternoon, during the other Parts of the Year.

LVII. *Sect.* 10. The Mayor, &c. may, in Common Council aſſembled, by Writing under the Common Seal of the Corporation, aſſign over the Duty granted by this Act, for ſuch Term of Years as they ſhall think proper, for ſecuring the Repayment of any Sums of Money to be borrowed (with lawful Intereſt) to ſuch Perſons as ſhall lend the ſame; which Money ſo borrowed, ſhall be applied as the Duties hereby granted are directed to be, and to no other Uſe whatſoever.

LVIII. *Sect.* 11. Nothing in this Act ſhall extend to take away or leſſen any Duties or Tolls, which before the making of this Act were due and payable to the Mayor, &c. of *Beverley*, at the River *Hull* or *Beverly Beck*, but the ſame ſhall continue to be paid on all ſuch Goods and Merchandizes, in ſuch Manner as they were liable to be paid before the making thereof.

LIX. *Sect.* 12. It ſhall be lawful for the Mayor, &c. their Agents and Workmen, as often as Occaſion ſhall require, to ſtop up the Currents of Water running into the ſaid Creek or Beck, and turn the ſame ſome other Way, during the Time of cleanſing, ſcouring, opening, deepening and widening the ſaid Beck, making reaſonable Satisfaction out of the Duties hereby granted for the Damage thereby ſuſtained, to the Owners of ſuch Lands as ſhall be damnified thereby: And if the Mayor, &c. and the Owners cannot agree on the Satisfaction to be made, the ſame ſhall be aſſeſſed and adjudged, at the Deſire of the Mayor, &c. or the Owners thereof, by the Juſtices of the Peace for the Eaſt-Riding of the ſaid County, at their then next General Quarter-Seſſions for the ſaid Eaſt-Riding, whoſe Order therein ſhall be final and concluſive to all Parties.

LX. *Sect.* 13. If any Perſon, after the ſaid Firſt of *May*, 1727, ſhall throw, caſt, or lay, or cauſe or ſuffer to be thrown, caſt, or laid, any Thatch, Ballaſt, Rubbiſh, Aſhes, Dirt, or other Filth, into the ſaid Creek or Beck, and be thereof convicted on the Oath of one credible Witneſs, before any Juſtice for the ſaid Town, he ſhall forfeit to the Mayor, &c. 20 *s.* to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Juſtice, rendring the Overplus to the Owner; which Penalty ſhall be applied, one Moiety to the Uſe of the Informer, the

the other Moiety to ſuch Uſes as the Tolls hereby granted are directed to be diſpoſed of.

LXI. *Sect.* 14. It ſhall be lawful for the Mayor, &c. their Agents and Officers, to remove any Shelves in the River *Hull*, and to make it deeper.

LXII. *Sect.* 15. It ſhall be lawful for the Juſtices of the Peace of the Town of *Beverley*, at their General Quarter-Seſſions, to be holden after the Firſt of *May*, 1727, to appoint one or more Perſons to clean the Streets, Lanes, and publick Places of the Town, and carry away the Filth, Dirt and Soil, which being waſh'd down into the Beck, much contributes towards choaking up the ſame; and for defraying the Charges thereof, an Aſſeſſment, not exceeding 6*d.* in the Pound, in one Year, ſhall be equitably made on all the Occupiers or Owners of Houſes, Lands, &c. in the Town; and ſuch Aſſeſſment ſhall be made by ſuch Perſons, and collected in ſuch Manner as the Juſtices, by their Order under their Hands and Seals, at their General Quarter-Seſſions, or the Major Part of them ſhall direct and appoint in that Behalf; and the Money thereby raiſed ſhall be employed and accounted for according to the Orders and Directions of the Juſtices towards cleaning the Streets and Lanes of the Town, and to no other Uſe; and the Aſſeſſments being allowed under the Hands and Seals of the Juſtices at their Seſſions, may be levied by Diſtreſs and Sale of the Goods and Chattels of Perſons not paying the ſame within Ten Days after Demand, rendring the Overplus to the Owner, the neceſſary Charges of making, keeping and ſelling the Diſtreſs being firſt deducted.

LXIII. *Sect.* 16. If any Action ſhall be commenced in Relation to the Premiſſes, it ſhall be commenced within Six Months after the Fact committed, and not afterwards, and ſhall be laid in the County of *York*, and not elſewhere; and the Defendant may plead the General Iſſue, &c. and on a Verdict, &c. ſhall recover treble Coſts, &c.

LXIV. *Sect.* 17. This Act ſhall be deemed a Publick Act, and all Judges, Juſtices, and other Perſons are required to take Notice of it as ſuch, without ſpecially pleading the ſame.

LXV. Stat. 13 *G.* 1. *c.* 20. *Sect.* 1. The Mayor, Aldermen and Burgeſſes of *Doncaſter*, in the County of *York*, their Succeſſors and Aſſigns, are hereby appointed Undertakers for improving the Navigation of the River *Dun*, in the Weſt-Riding of *Yorkſhire*; and they ſhall have full Power and Authority by Virtue of this Act, at their proper Coſts and Charges, by themſelves, their Deputies, Agents, Officers, Workmen, Servants and Aſſigns, to make the River *Dun* navi-

navigable, portable and paſſable for Boats, Barges, Lighters, and other Veſſels, at all Times and Seaſons, from a Place called *Wiſick Houſe*, to a Place called *Holmſtile* in *Doncaſter*; and the ſaid Mayor, &c. ſhall have full Power, by themſelves, their Servants, &c. to ſcour, open, enlarge, ſtreighten or deepen the ſaid River, or any Goits, Drains or Sluices out of it, and to dig or cut the Banks of the River, and to make any new Cuts, Trenches or Paſſages for Water, in, on, or through the Lands adjoyning, or near the River, as ſhall be neceſſary for the Navigation and Paſſages of Boats, Barges, &c. and any Ways for the more convenient carrying on and effecting the Undertaking; be it the Soil of the King's Moſt Excellent Majeſty, or of any other Perſons, Bodies Politick or Corporate whatſoever; and alſo to cut, remove and take away all Trees, Roots of Trees, Beds of Gravel, Sand or Mud, Quarries of Stone, or any other Impediment which may any Ways hinder the Navigation, either in ſailing, haling, towing, or drawing Boats, Barges, &c. with Men and Horſes, or otherwiſe, and to build and ſet up Bridges, Sluices, Locks, Wears, Pens for Water, Stanks, Dams, and other Works, and to make Ways for carrying of Goods to and from the River, and to lay Earth, Gravel, Sand, Roots, Rubbiſh, or any other Thing, dug or taken out of the River or Cuts, on the Banks of the River, or Lands adjacent, or near the Place where the ſame ſhall be dug, &c. and to amend, alter, remove, or heighten any Bridges, and to turn or alter any Highways near the River, Cuts, &c. and to pull down, alter or demoliſh any Wear, or other Obſtructions in, on, or contiguous to the River, Cuts, &c. which may alſo obſtruct the Navigation; and to ſet out and make towing Paths, Banks and Ways for towing, haling, and drawing of Boats, Barges, &c. and to do all other Matters and Things neceſſary for perfecting the navigable Paſſages of the River, or of the Cuts made out of the ſame; the Undertakers doing as little Damage as may be, and firſt giving Satisfaction to the Proprietors of ſuch Wears, Lands, &c. as ſhall be damaged.

LXVI. *Sect.* 2. The Dukes of *Devonſhire* and *Ancaſter*, the Earls of *Strafford*, *Kinoul*, and *Fitzwilliams*, the Lords Viſcounts *Downe* and *Irwin*, the Lord *Moleſworth*, the Marqueſs of *Hartington*, *James* Lord *Cavendiſh*, the Marqueſs of *Carmarthen*, Lord *Vere Bertie*, Lord *Mountagne Bertie*, the Marqueſs of *Lindſey*, *Philip Bertie*, *Albemarle Bertie*, *William Moleſworth*, and *Sidney Wortley*, Eſqs; Sir *Conyers Darcy*, Sir *Thomas Saunderſon*, Sir *Thomas Wentworth*, and Sir *Robert Cliffon*, Knights of the Bath, the Honourable *John Downe*, *Henry Ingram*, *Sidney Wortley*, *Charles Ingram*, *Arthur Ingram* of *Barnsby*, and *Arthur Ingram* of *Kettingley*, Eſqs; Sir *John Key*,

Kay, Sir *John Bland*, Sir *George Cooke*, Sir *Neville Hickman*, Sir *George Tempeſt*, Sir *William Ramſden*, Sir *William Lowther*, and Sir *William Milner*, Baronets, (*with many others, whoſe Names are in the Act at large*) or any Nine of them, together aſſembled, are hereby conſtituted Commiſſioners, for adjuſting all Matters about which any Difference ſhall ariſe between the Undertakers and the Owners or Occupiers of Wears, Lands, Tenements, or other Hereditaments; and the Commiſſioners aſſembled together in *Doncaſter* ſhall have full Power to mediate all Differences between them, and with the Conſent of the Parties concerned, to ſettle what Satisfaction every Perſon ſhall have for ſuch Proportion of his Lands, *&c.* as ſhall be made uſe of or prejudiced, and for the Damage thereby ſuſtained; and to ſettle what Share of ſuch Purchaſe-Money or Satisfaction every Tenant, or other Perſon, having a particular Eſtate, Term or Intereſt in any of the Premiſſes, ſhall have for his Intereſt or Damages; and if the Undertakers, or any other Perſon, ſhall diſlike or be diſſatisfied with the Commiſſioners Determination; or if any Perſons by the Space of Twenty Days after convenient Notice given them, ſhall neglect or refuſe to treat and agree with the Undertakers, or through Diſability, by Reaſon of Nonage, Coverture, or Special Tail, or other Impediment, cannot treat for themſelves, or by Reaſon of Abſence ſhall be prevented from treating (except ſuch Abſence ſhall be occaſion'd by their neceſſary Attendance upon either Houſe of Parliament) in every ſuch Caſe any Nine or more of the Commiſſioners are authorized to iſſue their Warrant under their Hands and Seals to the Sheriff of the County of *York*; and if ſuch Sheriff ſhall be intereſted in the Thing in Queſtion, or related to any of the Parties concerned therein, then to one of the Coroners within the Weſt-Riding of that County, for impanelling and returning a Jury of Twenty-four ſufficient Free-holders, qualify'd according to Law, to be returned for Trials at the Aſſizes for that County, to appear before the Commiſſioners at a Time and Place to be appointed in the Warrant, not being leſs than Twelve after ſuch Warrant ſhall be ſerved upon them, and to return in Iſſues on every Perſon impanelled 40 *s.* in Default of Appearance, which ſhall be eſtreated on the Defaulters by the Sheriff, by Warrant under the Hands and Seals of the Commiſſioners, to the Uſe of the Undertakers; and the Sheriff ſhall forfeit for Default of making ſuch Return, 50 *l.* and for every Perſon returned, not being qualified, 50 *l.* and in Default of a ſufficient Number of Jury-men not appearing, the Sheriff or his Deputy, or the Coroner, ſhall return other honeſt and indifferent Men of the Standers by, to make up

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the Jury to the Number of Twelve, who ſhall be ſworn before the Commiſſioners, to try the Matter in Queſtion which ſhall be brought before them; and all Parties concerned may have their lawful Challenges againſt any of the Jury-men; and the Commiſſioners are impowered, by Warrant under their Hands and Seals, to ſummon before them all Perſons (except a Peer or Peereſs of *Great Britain*) as ſhall be thought proper or neceſſary to be examined as Witneſſes concerning the Premiſſes; and ſhall order the Jury to view the Places or Matters in Queſtion, as they ſhall think fit; which Jury, after hearing the Evidence on Oath, touching the Matter in Queſtion, ſhall enquire into, and aſſeſs ſuch Damages and Recompences as they ſhall think juſt, to the Owners or Occupiers of any Mills, Wears, Lands, &c. which ſhall be uſed, damnified or demoliſhed, by making any Lock or Cut, &c. and the Commiſſioners ſhall give Judgment for the Sums aſſeſſed by the Jury, and ſhall finally determine all manner of Differences and Diſputes which ſhall ariſe between any Perſons concerning any Thing relating to the Premiſſes; which Verdict, and the Judgment thereupon pronounced by the Commiſſioners aſſembled together, and the Value and Recompence to be aſſeſſed and declared, Notice in Writing being firſt given of every Meeting of the Commiſſioners, at leaſt Thirty Days before, declaring the Time and Place of their Meeting to every Perſon concerned, or being left at the Dwelling-Houſe of the Party, or his uſual Place of Abode, to ſome Perſon belonging to his Family, or with the Tenants of the Lands, &c. of ſuch Parties near the River, touching which ſuch Controverſies ſhall ariſe, in Caſe the Perſons cannot be found out to be ſerved with ſuch Notice, or ſhall live above Fifty Miles from *Doncaſter*, ſhall be binding and concluſive to all Intents and Purpoſes, againſt the King's Majeſty, and againſt all Perſons whatſoever, having or claiming any Title or Intereſt, in or to the ſaid Lands, &c. or any Title or Intereſt in, to, or out of the ſame, in Poſſeſſion or Reverſion, Remainder, Expectancy, or otherwiſe, as well Infants, Feme Coverts, Tenants for Life or Years, or in Tail, or others, their Heirs, Succeſſors, Executors, &c. and all claiming by, from, under, or in Truſt for any of them; which Verdicts, Judgments, Orders, Sentences, Decrees, and other Proceedings of the Commiſſioners and Juries ſhall be fairly written in Parchment by the Commiſſioners Clerk, under the Hands and Seals of ſuch of the Commiſſioners as ſhall make the ſame; and ſuch of the Verdicts, &c. as ſhall concern the Undertaking or Navigation, ſhall be tranſmitted to, and kept by the Town-Clerks of *Doncaſter*, among the Records of the Quarter-Seſſions for that Borough, and ſhall be deem-

ed good Evidence in any Court of Law or Equity; and all Perſons may have Recourſe thereto, and take Copies thereof, paying for every Copy, not exceeding One hundred Words, 6*d.* and ſo proportionably for every greater or leſſer Number of Words; and on Payment of the Money aſſeſſed by the Commiſſioners and Jury, or agreed on as aforeſaid, to the Party concerned, or legal Tender thereof made to him; or if ſuch Party cannot be met with, or ſhall refuſe to accept the ſame, then on Payment thereof into the Hands of ſuch Perſons as the Commiſſioners ſhall, under their Hands in Writing appoint, for the Uſe of the Party intereſted, to be by him paid on Demand to the Party ſo intereſted, without Fee or Reward; it ſhall then, and not before, or otherwiſe, be lawful for the Undertakers, their Agents, Workmen, &c. to remove, pull down, cut, dig, or uſe ſo much of the ſaid Wears, Lands, &c. for which Satisfaction ſhall be ſo agreed, aſſeſſed and adjudged; and therein and thereon to make, erect, and do any Matter or Thing for the carrying on or maintaining the Navigation, and to have and enjoy the ſame to and for their own Uſe and Benefit; and this Act ſhall indemnify, as well the Commiſſioners as the Undertakers, and all Perſons acting under them, againſt the ſaid Tenants, Owners or Occupiers, their Heirs, Executors, &c. and againſt all other Perſons whatſoever.

LXVII. *Sect.* 3. The Undertakers ſhall not meddle with any Lands, &c. of any Perſon whatſoever, 'till ſuch Payment or Tender, as aforeſaid, except to ſurvey, take a Level, or mark out the Ground, or other Matter or Thing they intend to uſe for the Purpoſes of this Act, which it ſhall be lawful for them to do at all convenient Times, doing as little Damage as may be, and giving convenient Notice to the Proprietor, Tenant or Poſſeſſor of ſuch Lands, &c. ſo that he may be preſent, if he ſhall think fit, and making Satisfaction for all Damage done to any Graſs or Corn that ſhall grow on the Lands, &c. by making ſuch Survey, &c. if ſuch Damage exceed 12*d.*

LXVIII. *Sect.* 4. The Commiſſioners ſhall have Power to impoſe reaſonable Fines on any Perſon that ſhall be returned on the Jury, who ſhall refuſe to be ſworn, or being ſworn on the Jury, ſhall refuſe to give Verdict; or who ſhall in any other Manner neglect their Duties therein; and likewiſe on Perſons, not being a Peer or Peereſs of *Great Britain*, ſummoned to give Evidence, who ſhall neglect or refuſe to appear at ſuch Times and Places as ſhall be appointed; or appearing ſhall refuſe to be ſworn, give Evidence, or be examined before the Commiſſioners; and to levy of the Goods of any Perſon offending in any the ſaid Matters

Matters and Things, by Warrant under the Hands and Seals of Nine or more of the acting Commiſſioners, to be directed to the Conſtable, Headborough, or other Officer of the Pariſh or Place where ſuch Offender lives; which Conſtable, &c. is required to execute the ſame, ſo as no ſuch Fine exceed 40 *s.* which Fines are to be paid to the Undertakers, to be employed towards carrying on the Navigation.

LXIX. *Sect.* 5. No Perſon ſhall act as a Commiſſioner where he is in any wiſe, directly or indirectly, intereſted or concerned in the Matters in Queſtion; nor unleſs he is ſeized at the Time of ſuch acting, of an Eſtate of Freehold or Copyhold in Lands, &c. of the yearly Value of 100 *l.*

LXX. *Sect.* 6. No Perſon ſhall be ſworn to ſerve on a Jury, where he is in any wiſe, directly or indirectly, concerned or intereſted in the Matter in Queſtion.

LXXI. *Sect.* 7. If any Perſons, after the Undertakers ſhall begin to make the River navigable, ſhall receive any Damage or Injury in their Lands, Mills, Wears, Bridges, &c. for which they ſhall have had no Recompence by Agreement of the Parties, and Verdict and Judgment of the Commiſſioners, by any Act, Neglect or Default of the Undertakers, or of their Agents or Workmen, or by Reaſon of any Alteration that ſhall be made by the Undertakers on the River, Cuts, Trenches or Paſſages, or any Banks thereof; then the Commiſſioners ſhall enquire of and aſcertain ſuch Damages by a Jury to be impanelled and returned, as aforeſaid, and give Judgment for the Party, and record the ſame accordingly, in the Form and Manner as before; and in Default of Payment thereof, by a certain Day to be appointed by the Commiſſioners, they ſhall, by Warrant under their Hands and Seals, authorize ſuch Perſons as they ſhall think fit, to levy the ſame by Diſtreſs and Sale of the Undertakers Goods and Chattels, together with ſuch Coſts and Charges as the Commiſſioners ſhall in their Warrant direct, rendring the Overplus; otherwiſe the Party grieved may have his Remedy by Action of Debt in any of the Courts at *Weſtminſter*, or in any Court of Record againſt the Undertakers, and recover the ſame with Coſts and Charges.

LXXII. *Sect.* 8. This Act ſhall not extend to impower the Undertakers to make any Cut or Alteration in or out of the River, lower than the Cut to be made at *Barnby Dun*, except that they ſhall have Power to deepen the ſame from thence to *Wilſick-Houſe*; or to impower the Undertakers to make and perfect the Navigation in any other Manner than what is hereafter expreſſed, that is to ſay, by making a Cut at *Barnby Dun*, and on *Barnby Dun* Side of the River, not exceeding 400 Paces in Length, and a Lock ſufficient for Boats, Barges, Lighters, or other Veſſels to paſs *Barnby Dun*,

Dun Fords and Shallows; and from thence by deepening a Chanel in the River up to *Longsandall*, and by making a Dam in the River, not exceeding Three Foot Six Inches high from the Bottom of the River, with moveable Gates therein, with a Cut and Lock ſufficient for Boats, &c. not drawing above Three Foot Water, except in Riſes and Freſhes, to paſs the ſame; and from thence, by deepening a Chanel in the River, up to *Wheatley*; and on the North Side of the River to make a Cut and Lock ſufficient to paſs the Ford and Shallows there; and from thence to deepen a Chanel to a Place above *Wheatley*, called *Redcliffe*, and at or near that Place to make a Dam not exceeding Four Foot high, with a Cut and Lock ſufficient as before, to paſs the ſame to *Holmſtile* in *Doncaſter*.

LXXIII. *Sect.* 9. The Fords at *Bramwith* and *Stainforth* ſhall not be raiſed to a higher Level than they now are, but only repaired as uſual heretofore; and the Boats and Veſſels to and from *Doncaſter* and *Fiſhlake* ſhall not draw above Three Foot Water, except in Times of Riſes and Freſhes.

LXXIV. *Sect.* 10. Before any Dam or Obſtruction be made in the River at or near *Longſandall*, the Undertakers ſhall, at their own Coſts and Charges, make a Cut ſufficient to convey the Water running down *Bentley Mill* Goit into the *Farr Waters*, and from thence down the *Farr Waters* continue the ſame, or make another Cut to convey the Water into *Arneld* Goit, and ſhall deepen and widen *Arneld* Goit Ten Foot at the Bottom of the Goit, from a Place called *Norwood Bridge*, to a Place where the Cut comes into that Goit; and from thence to widen and deepen the Goit by a Cut Fourteen Foot wide in the Bottom of the Goit to the Place where the Goit falls into the River *Dun*, and there to make a Sluice ſufficient to prevent the River Water from flowing up the Cut; all which ſeveral Cuts out of *Bentley Mill* Goit down the *Farr Waters* to *Norwood Bridge*, and *Arneld* Goit and Sluice, ſhall be cleanſed and repaired, as Occaſion ſhall require, at the Coſts and Charges of the Undertakers, who ſhall alſo make, repair and maintain ſufficient Bridges over the Cuts and Goits, that the Occupiers of Lands, &c. may have convenient Paſſages to and from their Land.

LXXV. *Sect.* 11. The Undertakers ſhall fill up the Ends of the Hollows, or little Vallies in the Lands adjoining to *Arneld* Goit on *Thorp Marſh* Side thereof, equal to the Level of the Grounds on the oppoſite Side of the ſaid Goit, and make Two Cloughs or Sluices in the End of the Two Drains, that leadeth out of *Thorp* Lordſhip into *Arneld* Goit; and they ſhall have Liberty to diſperſe the Overplus Earth that is taken out of *Arneld* Goit on *Thorp Marſh* End, and main-

tain and repair the ſame Banks and Sluices for ever hereafter.

LXXVI. *Sect.* 12. The Undertakers ſhall at *Longſandall* and *Redcliffe* cauſe the Banks of the River to be widened for the Space of Sixty Yards above and below each End of the Dam, ſo that the ſame Quantity of Water ſhall have the ſame Liberty to flow before it reach the Banks, as if no ſuch Dam had been made.

LXXVII. *Sect.* 13. The Undertakers ſhall, at the Requeſt of Sir *George Cook*, Bart. and *Bryan Cook* of *Wheatley*, Eſq; their Heirs or Aſſigns, or of any of their Tenants, cauſe the Water to be let out of the Dam to be erected at *Longſandall*, for the Paſſage of Draughts and Carriages to repair the Banks, and for the Conveniency of Loading Hay in the Time of Hay Harveſt, croſs that Part of the River called *Wheatley Ford*, that they, their Heirs and Aſſigns, and their Tenants, may have the Benefit of a Way over that Ford for theſe Purpoſes.

LXXVIII. *Sect.* 14. Neither the Undertakers, nor any Perſon, under Pretence of the Navigation, ſhall make or uſe any Ways, or any towing or haling Paths for drawing Boats, &c. on any of the Lands lying on the South Side of the *Dun*, between *Longſandall* and *Redcliffe*; and the Undertakers ſhall repair all ſuch Damages as ſhall be done to the Banks on the North Side of the River, by the carrying on of the Navigation, as often as Occaſion ſhall require, from *Holmſtile* to the End of *Arneld* Goit, where it falls into the River, and keep the ſame to the Height they are now of.

LXXIX. *Sect.* 15. It ſhall not be lawful for the Undertakers to make any Wharfs or Ware-houſes on either Side of the River, on any Lands belonging to Sir *George Cook*, Bart. or *Bryan Cook* of *Wheatley*, Eſq; 'till their Conſent be firſt obtained.

LXXX. *Sect.* 16. In Conſideration of the great Expences the Undertakers will be at, not only in making the River *Dun* navigable, but alſo in making, erecting and repairing, cleanſing, keeping up and continuing the Wears, Works, Locks, Dams, Sluices and Bridges, it ſhall be lawful for them to demand, receive and recover to their own Uſe, the following Rates and Duties for Tonnage, *viz.* For Goods carried in Boats or other Veſſels, to or from any Part of the River between *Holmſtile* and ſo far as the Bottom of the Cut on *Barnby Dun* Side of the River, over and above what ſhall be paid for Freight, ſuch Rates and Duties for Tonnage, as the Mayor, Aldermen and Burgeſſes of *Doncaſter* ſhall think fit, not exceeding 10 *d.* for every Fodder of Lead, nor the like Sum of 10 *d.* for every Cuſtomary Ton

of Iron, Steel, Horns, Hoofs, Bones, Box-Wood, Timber of Foreign Growth, broken or unbroken Deals and Boards; nor above 10*d.* for every Cuſtomary Ton of Cheeſe, Salt, Cutlers Wares, Iron Wares, Groceries, and other Merchandize (except Corn and Malt) and not exceeding 10*d.* for every Ton of Mill or Marble Stones, or Coals; not exeeding 10*d.* for every Ton of Lime; and for every Ton of Lime-ſtone, and other Stones, not before rated, 8*d.* and for every Ton of Plank and Timber of *Engliſh* Growth, 8*d.*

LXXXI. *Sect.* 17. The Undertakers may take any Sum not exceeding One Penny, for every Quarter of Corn, Malt, or other Grain which ſhall be carried by Water on any Part of the *Dun* between *Holmſtile* and the lower End of the Cut to be made on *Barnby Dun* Side, as before.

LXXXII. *Sect.* 18. Boats carrying only Compoſt, Dung, Manure, Lime and Lime-ſtone for the Improvement of Land, and Timber, Wood, Stone, and other Materials, for repairing the Banks of the River *Dun*, and the Banks and Bridges of the New River, and no other Goods, ſhall be Duty and Lock free.

LXXXIII. *Sect.* 19. The Mayor, &c. of *Doncaſter* ſhall levy and receive the ſame Tolls and Duties from the Inhabitants and Freemen of *Doncaſter*, for the Paſſage of Boats, &c. and for the Carriage of Goods navigated on the River, as they do from any other Perſons.

LXXXIV. *Sect.* 20. The Three Bridges over the New River, (commonly called the *Dutch* River, which was made by the Participants and Land-Owners of Lands in the Level of *Hatfield Chaſe*, and Parts adjacent, in the Counties of *York*, *Lincoln* and *Nottingham*) and Fifteen Yards of the Banks on each Side of the ſaid New River, next above and below each of the ſaid new Bridges, (except ſo much of ſuch Part of the Bank near one of the Three Bridges, called *Rocliffe Bridge*, where there is a Cottage built, and the Yard of the ſaid Cottage) ſhall, from the Twenty-fifth of *March*, 1727, be veſted in the Mayor, &c. of *Doncaſter*, and their Succeſſors, who ſhall from thenceforth for ever repair and rebuild the ſame, as often as there ſhall be Occaſion; and for the more eaſy Paſſage of Boats and Veſſels through the New River, the ſaid Corporation of *Doncaſter* is hereby impowered and obliged to make Leaves to draw up, or Draw-Bridges, and ſuch other Alterations in the Three Bridges, as ſhall be convenient and neceſſary for the more eaſy Paſſage of Boats, &c. through the ſame, without taking down or lowering their Maſts; and the Corporation is hereby obliged to make ſuch Leaves, &c. within Two Years next after the ſaid Twenty-fifth of *March*; and from thenceforth for ever after to keep and maintain ſuch Leaves, &c. in the Three Bridges, for the ſaid Uſes:

And the ſaid Corporation and their Succeſſors, in Reſpect of the Charge they ſhall be put to in altering the Three Bridges, &c. are hereby impowered to demand and take for the Paſſage of each Boat, Lighter, or other Veſſel, which ſhall paſs through any of the Three Bridges (for the Paſſage of which Boat, &c. any of the Draw-Bridges ſhall be opened) the Duties following, *viz.* not exceeding 6 *d.* for every Veſſel of Ten Tons Burthen, and not exceeding 12 *d.* for every Veſſel of the Burthen of Twenty Tons; and not exceeding the ſame Proportion for all Boats and Veſſels of larger Burthen; and the Boats and Veſſels paying the Duty, ſhall have the Benefit of opening the Draw-Bridges, and free Paſſage through the Bridges and the New River, without any Obſtruction by the Mayor, &c. or by the Participants or Land-Owners, or by any other Perſons claiming any Intereſt in the New River, from or under any of them; and all other Keels, Boats and Veſſels for which the Draw-Bridges ſhall not be open'd, ſhall have free Paſſage through the Arches of the Bridges, as they have uſually had, without paying any Duty for the ſame; and no Obſtruction ſhall be made in the Arches or Paſſages under the Bridges, by leſſening or ſtreightning of them; but the Arches and Paſſages under the Bridges new erected, or of any new Bridges which may hereafter be erected, ſhall not be of leſs Height or Breadth, or leſs Dimenſions, than the Arches of the Bridge already erected on the New River.

LXXXV. *Sect.* 21. The Participants and Land-Owners ſhall pay to the Corporation of *Doncaſter*, in Conſideration of their repairing, maintaining and rebuilding the Three Bridges, and Fifteen Yards of the Banks above and below each of the Bridges, from and after the Twenty-fifth of *March*, 1727, for ever, the yearly Sum of 20 *l.* upon the Twenty-ninth of *September* and Twenty-fifth of *March* in every Year, by equal Portions; the firſt Payment to be made on the Twenty-ninth of *September*, 1727. And the Mayor, &c. ſhall have full Power to dig and get Sods and Earth in the moſt convenient Places in the Lands of the Participants, adjacent to the Banks they are hereby obliged to repair and maintain, for repairing and maintaining the ſame; doing as little Damage as may be, and not injuring any of the other Banks or Staiths of the River.

LXXXVI. *Sect.* 22. The Participants and Land-Owners ſhall continue, with Reſpect to the County, liable to the Repairs of the Three Bridges, and the Banks of the New River, with Fifteen Yards above and below each of the Bridges, in Default of the due Repairing, &c. thereof by the Corporation of *Doncaſter*, as they would have been if this Act had not been made: And in Caſe of ſuch Default, the

the Lands of the Participants and Land-Owners ſhall be liable to be aſſeſſed by the Commiſſioners of Sewers, towards repairing and maintaining the ſaid Bridges and Banks, as they might have been if this Act had not been made: And all Perſons aggrieved or damnified by any Omiſſion or Neglect in repairing the Bridges or Banks, ſhall have their Remedy againſt the Participants and Land-Owners, and Lands liable to the ſaid Repairs, as they might have had before the making of this Act: And if the Corporation of *Doncaſter* ſhall, after Notice given them in Writing by any Five or more of the Participants, having each Lands of the yearly Value of 5*l.* or more, chargeable towards the draining and publick Works of the Level of *Hatfield Chaſe*, of any Default of repairing the Bridges or Banks, the Participants and Land-Owners ſhall repair them; and in ſuch Caſe they ſhall receive to their own Uſe, by the Hands of their Expenditor or Surveyor, or by ſuch other Perſon as ſhall be appointed by the ſaid Participants, or Five of them, having each Lands of the yearly Value of 5*l.* chargeable towards the Drainage and publick Works of the Level of *Hatfield Chaſe*, aſſembled at a publick Meeting for that Purpoſe, by affixing Notice thereof in Writing, in the publick Market-Places of *Doncaſter* and *Thorn*, at leaſt Ten Days before ſuch Meeting, all the Tolls and Duties payable to the Corporation of *Doncaſter*, 'till they be fully ſatisfied, and paid all the Monies and Expences which they ſhall reaſonably expend and be put to for ſuch Repairs, &c. and all Damages they ſhall ſuſtain on that Occaſion, by the Receipt of the ſaid Tolls and Profits, or otherwiſe; and the ſaid Tolls and Duties ſhall, for that Purpoſe only, be veſted in the Participants 'till they are fully reimburſed all ſuch Expences, &c. or they may bring their Action at Law, or Bill in Equity, in the Names of any Four or more of the Participants, each ſo qualified as aforeſaid, on Behalf of themſelves, and all the reſt of the Participants, either to compel the Corporation of *Doncaſter* to maintain the Bridges, &c. or to make Satisfaction to the Participants, and Land-Owners for the Expences they have been put to in Reſpect of ſuch Repairs, &c. and the New River, and the Banks and Bridges thereof, as well as the River *Don*, from *Willſick* downwards, ſhall be ſubject to the Commiſſioners of Sewers for the Time to come, in ſuch Manner as they have uſually been before the Making of this Act.

LXXXVII. *Sect.* 23. If the Participants and Land-Owners ſhall refuſe or neglect to pay the Mayor, &c. of *Doncaſter*, the ſaid yearly Sum of 20*l.* or any Part thereof, by the Space of Two Months next after the Times herein before limited for Payment thereof, it ſhall then be lawful for

the Corporation, by their Agents, to enter into any of the Lands and Tenements lying in the Level of *Hatfield Chase*, belonging to the Participants or any of their Tenants, and ſubject to the Drainage thereof, and to diſtrain for all Arrears then due, and to keep the Diſtreſs 'till the ſaid Arrears, together with the Expences of the Diſtreſs ſhall be fully ſatisfied; and if the ſame ſhall not be paid within Ten Days next after the Diſtreſs was made, then the Corporation may cauſe the ſame to be appraiſed by the Oaths of Two Men, to be ſworn by the Conſtable of the Pariſh or Place, or his lawful Deputy, where ſuch Diſtreſs ſhall be made, to appraiſe the ſame truly to the beſt of their Underſtanding; which Oath he is hereby impowered to adminiſter, and after the Appraiſement, to ſell the ſame for the beſt Price they can get; and out of the Monies which ſhall be raiſed by ſuch Sale, the Corporation ſhall pay themſelves all ſuch Arrears of the annual Sum of 20 *l.* as ſhall be then due, together with the Coſts and Charges of the Diſtreſs; and the Surplus ſhall be paid to the Owner of the Goods ſo diſtrained and ſold; and the Perſons ſo diſtrained on ſhall be reimburſed out of the Scots raiſed by the Drainage of the Level.

LXXXVIII. *Sect.* 24. Nothing herein ſhall extend to determine or prejudice any Right or Power, which the Mayor and Commonalty of the City of *York* have or claim in any Reſpect, touching the ſaid *Dutch* Cut, or New River.

LXXXIX. *Sect.* 25. Nothing in this Act ſhall be conſtrued to hinder the Lords of Manors, or the Owners of Lands or Grounds lying on the River, or of any Lands through which the Cuts ſhall be made, from making or erecting any Ware-houſe, Weighbeams, Cranes, Keys, Landing-Places or Wharfs upon the River or Cuts, in their own Lands, Waſtes or Grounds, ſo that the erecting thereof do not prejudice the Navigation; and all Rates, Dues and Duties that ſhall be paid for the Uſe and Benefit of the ſame, are hereby veſted in ſuch Lords of Manors and Owners of Lands that ſhall make or erect any ſuch Ware-houſes, Weighbeams, *&c.* upon their own Lands, Wharfs or Grounds.

XC. *Sect.* 26. The Undertakers ſhall not be authorized, by Virtue of any Powers given by this Act, to make or erect any Ware-houſes, Weighbeams, Cranes, Keys, Landing-Places or Wharfs within the Townſhip of *Barnby* upon *Dun*.

XCI. *Sect.* 27. Whereas the Ford at *Barnby* upon *Dun* is now paſſable for Carts and Carriages, therefore the Undertakers ſhall make a convenient Bridge over the Cut intended to be made at *Barnby* upon *Dun*, ſo that the Land-Owners and

and Inhabitants, may conveniently drive over their Cattle to the Paſture of *Thorp Marſh*, and go with all Manner of Carts and Carriages to the ſaid Ford, that they may enjoy the Uſe of their Common upon *Thorp Marſh*, and other the Conveniencies they now enjoy.

XCII. *Sect.* 28. For ſupplying the Number of the Commiſſioners, in Caſe of the Death of any of them, or of their Refuſal to act, the other Commiſſioners, or any Five of them, upon giving Twenty Days Notice in Writing, to be affixed on the publick Croſſes of the Towns of *Doncaſter*, *Sheffield*, *Rotherham*, *Bawtrey*, *Pontefract* and *Thorn*, then the Commiſſioners, or any Fifteen of them, ſhall, and are hereby impowered, by Inſtrument in Writing under their Hands and Seals, to be ſigned and ſealed by them, either together or apart, and to be recorded by the Town-Clerk of *Doncaſter*, to appoint ſome other Perſons ſo qualified as before, in the Place of them ſo dying or refuſing to act; which new Commiſſioners ſhall have the like Powers and Authorities in all Things relating to the Matters aforeſaid, as if they had been expreſly named and appointed by this Act.

XCIII. *Sect.* 29. It ſhall be lawful for the Undertakers, their Agents, Workmen, *&c.* to make towing Paths for them, and the Boatmen and Watermen paſſing or navigating on the River *Don*, or in any Cuts, Streams or Paſſages that ſhall be made Uſe of, and to ſet up Winches or other Engines in convenient Places, and with them, or by Strength of Men, Horſes or Beaſts, going on the Banks or Lands near the Rivers, Streams, Cuts or Paſſages, without Hindrance, Trouble, or Interruption of any Perſon whatſoever, to draw, hale, and tow up and down the River, Boats, *&c.* making Satisfaction for the ſame, after the Rate of Twenty-Five Years Purchaſe, for ſuch new Lands as ſhall be uſed for Cuts and towing Paths for the Uſe of the Navigation.

XCIV. *Sect.* 30. The Undertakers ſhall, where it is or ſhall be wanting, make, ſet up, and maintain, at their own Coſts and Charges, convenient Gates and Bridges, Paſſages and Stiles, in all the Ditches, Hedges and Fences, in the towing Paths, and ſhall make, repair and maintain Bridges over the new Cuts, Trenches and Paſſages for Water, where neceſſary, for the Uſe of the Occupiers of the Lands, Tenements, *&c.* thereto adjoining, to make them convenient Paſſages to come to and from their Lands, in ſuch Manner as the Commiſſioners, or any Nine or more of them, ſhall order and direct; and they ſhall not deſtroy any Bridge, Highways, Common or publick uſual Fords or Paſſages over the River, 'till they ſhall firſt, at their own Coſts, have perfected ſuch other Conveniencies for paſſing the ſame

Places, as the Commiſſioners, or any Nine of them ſhall judge proper, Notice being firſt given to the Commiſſioners of the Time and Place of Meeting, to adjudge ſuch Conveniencies, at leaſt Twenty Days before the Meeting; and all ſuch Bridges and other Conveniencies ſhall be maintained in good Repair by the Undertakers.

XCV. *Sect.* 31. No Meeting ſhall be held by the Commiſſioners at any Place above Six Miles diſtant from the Matter or Place in Queſtion, where the Controverſy or Matter to be inquired of ſhall ariſe or lie.

XCVI. *Sect.* 32. Every Maſter or Servant of any Boat, Barge, Lighter, or other Veſſel, ſhall be anſwerable for any Damage or Miſchief that ſhall be done by his Boat, *&c.* or by any of the Boatmen, Watermen, or Crew of ſuch Boat, *&c.* to any of the Bridges, Wears, Locks, Drains, Engines, or other Works, and for any Treſpaſs or Damage which ſhall be done to the Owners and Proprietors of any Buildings, Erections, Lands or Tenements adjoyning or near the ſame, or to the River *Dun*, or otherwiſe than is provided for by this Act; and the Maſter or Servant of every ſuch Boat, *&c.* may be ſued for any ſuch Treſpaſs or Damage in any Court of Record; and if he be found guilty, and a Verdict given againſt him, or Judgment be given againſt him upon Demurrer or Default, the Plaintiff ſhall not only recover the Damages ſuſtained thereby, but alſo have his full Coſts of Suit. And if any Boatman or Waterman, navigating on the River within the ſaid Limits, and paſſing any Lock there, with any Boat, *&c.* ſhall neglect, immediately after the ſaid Boat, *&c.* ſhall have paſſed the Lock, to ſhut it, and the Doors and Cloughs of it, or ſhall draw more Water out of it than was neceſſary to paſs the Veſſel through the Lock, the Maſter or Servant of every ſuch Boat, *&c.* ſhall, for every ſuch Neglect at the Lock, incur the Penalty of 10 *s.* which ſhall be forfeited to the Proprietors of the Navigation, to be recovered with full Coſts in any Court of Record; and that the Maſters of ſuch Veſſels may be better known, the Owner of every Boat, *&c.* paſſing on the River, ſhall cauſe his Name to be ſet in large white Capital Letters on the Out-ſide of his Veſſel, higher than it ſhall ſink into the Water when loaded; and if any Perſon ſhall open any of the Locks for any other Purpoſe than the neceſſary Uſe of the Navigation, he ſhall, on Conviction thereof before any Juſtice of the Peace, by the Oath of one credible Witneſs, forfeit to the Poor of the Pariſh where the Offence ſhall be committed, 10 *s.* and in Default of Payment ſhall be ſent to the Houſe of Correction, there to be kept to hard Labour for ſuch Time as the Juſtice ſhall direct, not exceeding Three Months.

XCVII. *Sect.* 33. There ſhall be a free Navigation from *Wilſick Houſe*, through all the Cuts and common Paſſages now uſed, or to be made up to *Holmſtile* in *Doncaſter*, for all Boats or other Veſſels, ſubject to the Reſtrictions and Regulations aforeſaid; and the Undertakers, and all Bodies Politick, and all other the King's Liege People, with their Goods and Merchandizes, may have and lawfully enjoy (paying the Rates and Duties) free Paſſage on the River, or any Part thereof, and ſuch Cuts as ſhall be made out of the ſame, and through all the Locks and Dams between *Wilſick Houſe* to *Holmſtile*, and the Uſe of the towing and haling Paths, and all other convenient and neceſſary Liberties for navigating the ſame, without any Let, Hindrance or Obſtruction from any Perſon whatſoever, paying ſuch Rates and Duties as are to be paid to the Mayor, &c. both as Undertakers of the Navigation, and in their Corporate Right and Capacity.

XCVIII. *Sect.* 34. It ſhall be lawful for the Owners and Occupiers of Lands or Tenements adjoyning to the River, or intended navigable Paſſages, to uſe any Pleaſure-Boat on the River, without any Interruption from the Undertakers, and without paying any Duties, ſo as the ſaid Boats are not made uſe of for carrying Coals, Stone, Slate, Wood or any other Goods, Wares, or Merchandizes; ſaving always to all Lords, Owners or Proprietors of Royalties or Liberties of Fiſhing or Fowling on the River, their Rights of Fiſhing and Fowling in and upon the ſame.

XCIX. *Sect.* 35. The River *Dun*, between *Holmſtile* and *Wilſick Houſe*, or any of the Cuts or Works, &c. made by the Undertakers for making and keeping the River, and the Cuts, Trenches and Paſſages within the ſaid Limits navigable, portable and paſſable, ſhall not be under the Order and Survey of any Commiſſion of Sewers.

C. *Sect.* 36. The Commiſſioners of Sewers ſhall have the ſame Power over the River, down from *Wilſick* to the River *Ouze*, and over all Rivers, Dikes, Dams, Trenches and Streams falling into the ſame, between *Wilſick* and the River *Ouze*, as they would have had if this Act had not been made.

CI. *Sect.* 37. Nothing in this Act ſhall charge any of the Tenants in ancient Demeſne of the Crown, or Reſiants within the Manor of *Hatfield*, in the County of *York*, with the Payment of any Tolls or Duties, from which they were by any Charter, Cuſtom or Uſage exempted before the making of this Act, except only the Lock-Duties.

CII. *Sect.* 38. All the Locks on the River, Cuts, Trenches or Paſſages, ſhall be opened for the free Paſſage of any Boat or Veſſel which hath paid the Duties, and ſhall be ſuffered

ſuffered to be opened for all Fiſhing and Pleaſure-Boats, and Boats loaded with Manure and Lime only, for Improvement of Land, tho' no Duty be paid for ſuch Boat.

CIII. *Sect.* 39. The Commiſſioners, or any Five of them, are impowered to appoint one or more fit Perſons to view and meaſure any of the Boats, Barges, or Lighters, carrying Goods for Hire on the River; and if they ſhall draw more than Three Foot Water (except in Times of Riſes and Freſhes) they ſhall forfeit 40 *s.* to be levied of the Offenders Goods and Chattels, by a Warrant under the Hands and Seals of any Five of the Commiſſioners, rendring the Overplus to the Owners; which Money ſhall be applied one Moiety to the Informer, and the other Moiety to the Poor of the Pariſh where the Offence ſhall be committed.

CIV. *Sect.* 40. If any Perſons, after the River is made navigable, ſhall ſuſtain any Damage or Injury in their Meadow Grounds, Lands, Tenements, Hereditaments, Mills, Wears, Water Engines, or Wharfs, by the Undertakers, raiſing the Waters to a prejudicial Height, or turning the Stream, or by not ſufficient making and repairing the Banks of the River, or cleanſing the ſame, or by their not ſcouring, cleanſing and repairing the ſeveral Cuts, Goits, and Sluices abovementioned, or by their taking away, waſting or diverting the Water, from the ſaid Meadows, Mills, &c. in ſuch Caſe it ſhall be lawful for the Commiſſioners, or any Nine or more of them, by the Inquiſition of Twelve Men, to be impanelled and returned as aforeſaid, to ſettle and aſſeſs ſuch Damage and Injury, and for ſecuring a Recompence or Satisfaction for the ſame to the Proprietors of ſuch Meadows, Grounds, &c. and in Caſe the Undertakers ſhall not, being thereto required, ſatisfy ſuch Damage or Injury, as ſhall be ſo ſettled and aſſeſſed, with full Coſts of Suit, to conſtitute Perſons to receive the Tolls, Rates and Duties ariſing by the Navigation of the River *Dun*; who ſhall, out of the ſaid Tolls, &c. in the firſt Place pay and ſatisfy all Sums of Money ſo to be aſſeſſed for Damages and Coſts, and the Monies ſo to be received by ſuch Receivers ſhall be deem'd to be eſtreated, as ſo much Money received to the Uſe of the Proprietors, or Perſons ſuffering Damage, till Satisfaction be made for ſuch Damages and Coſts ſo ſettled and aſſeſſed, in Order and Courſe ſucceſſively, as ſuch Determination for the ſame ſhall be in Priority of Time, and ſhall be recovered from the Receivers appointed to receive the ſaid Tolls, &c. in ſuch Manner, and by and with the like Powers, as the ſame are herein before appointed to be recovered by the Undertakers.

CV.

CV. *Sect.* 41. It ſhall be lawful for the Mayor, &c. of *Doncaſter*, to engage the Profits ariſing by the Duties granted to them as Undertakers of the River *Dun*, and to mortgage the ſame for any Term of Years to any Perſons who will advance, and into the Hands of the Mayor of *Doncaſter* for the Time being, or to ſuch Perſons as the Mayor, &c. ſhall appoint, any Sums of Money towards carrying on the ſaid Work, to ſecure the Repayment thereof with Intereſt; and the Money ſo borrowed ſhall be applied to the making and finiſhing the Navigation up to *Holmſtile* in *Doncaſter*, and to no other Uſe.

CVI. *Sect.* 42. The Dam and Water Engine erected for ſupplying the Inhabitants of *Doncaſter* with River Water, ſhall not be taken away, or otherwiſe damaged, or any Work or Cut be made between the Mill-Dam and *Holmſtile*, to obſtruct, divert or prejudice the preſent Current of the Stream, that ſupplies the Engine with the River Water, till ſuch Price be given by the Undertakers to the Proprietors of the Engine, for their Term and Intereſt therein, as Sir *Thomas Saunderſon* and *John Hadworth*, Eſq; ſhall award; or ſome other Agreement be made between the Undertakers and the Proprietors.

CVII. *Sect.* 43. If any Action ſhall be commenced againſt any Perſon for any Thing done in Purſuance of this Act, he may plead the General Iſſue, and give this Act and the Special Matter in Evidence; and if the Plaintiff become Nonſuit, or forbear Proſecution, or Judgment paſs againſt him upon any Verdict, &c. the Defendant ſhall recover his Coſts.

CVIII. *Sect.* 44. This Act ſhall be allowed in all Courts within this Kingdom as a publick Act; and all Judges, Juſtices, and other Perſons are required to take Notice of it as ſuch, without ſpecial pleading.

CIX. Stat. 13 *Geo.* 1. *c.* 33. *Sect.* 1. The Lord Mayor, Recorder, Two of the City Council, Aldermen and Sheriffs of the City of *York* for the Time being, Six of the Four and Twenty being of the Privy Council of the ſaid City, Twelve of the Common Council-Men of the ſaid City, *viz.* Three of every Ward in the City, to be elected in the Council-Chamber, as uſual in electing Committees for other Purpoſes, ſhall be Truſtees for putting in Execution the Powers and Authorities given and appointed by this Act, for the making more convenient, navigable and paſſable the River *Ouze* in the County of *York*, and for maintaining the ſame: And for ſupplying the Number of the ſaid Truſtees, in Caſe of Death of any of the ſaid Six of the Privy Council, or of any

any of the Twelve of the Common Council, that ſhall be elected as aforeſaid, or of any of their Refuſal to act, the ſurviving Truſtees or the major Part of them, ſhall, by Writing under their Hands and Seals, elect and conſtitute new Truſtees in the Place of them ſo dying or refuſing to act, ſo as the Vacancy of one of the Privy Council be ſupplied by one of the ſaid Privy Council, and the Vacancy of a Common Council Man by one of the Common Council-Men of the Ward where ſuch Vacancy ſhall happen, and ſo, and in the like Manner, from Time to Time, as any ſuch Vacancy ſhall happen; and the Lord Mayor, Recorder, City Council, Alderman and Sheriffs, and their Succeſſors, and ſuch Six of the Privy Council, and Twelve of the Common Council, ſo to be elected, or the major Part of them, or ſuch Perſons as they, by Writing under their Hands and Seals, ſhall nominate and appoint, by themſelves, their Deputies, Agents, Officers, Workmen, and Servants, are hereby authorized, and ſhall have full Power, by this Act, to cleanſe, ſcour, deepen, open, enlarge, or ſtrengthen, and make more navigable the ſaid River *Ouze*, for Ships, Pincks, Keels, Boats, Lighters, and other Veſſels, and to continue and maintain the ſaid Navigation; and for the better carrying on, effecting, and continuing thereof, to dig and cut the Banks of the River, and to make larger Trenches, Cuts and Paſſages for Water, in, on, or through the Lands adjoining to, or lying near the River, be it the Ground of the King, or of any other Perſons whatſoever; and to remove and take away all Trees, Roots, Gravel-beds, and other Impediments, which may any Ways hinder the Navigation, either in Sailing or Haling of Ships, Boats, *&c.* on the River, with Horſes, Men, or otherwiſe; and to build or make on the Lands in or near the River, Banks, Staiths, Pens for Water, Cranes, Wharfs, and Warehouſes, and other Works proper for the Navigation, where they ſhall think fit; and to alter, repair, and amend the ſame, as often as they ſhall think convenient; and to make new or larger Trenches, Cuts, or Paſſages for Water, through the Grounds, lying near the River, for the more commodious and advantageous placing and maintaining of the Works; and to make and uſe Ways, Paſſages, and other Conveniencies, for the carrying Commodities and other Things to and from the River, navigable Paſſages, Streams, or any Part thereof, or to or from the ſaid Works, Cranes, or Warehouſes, with free Liberty at all Times, of Ways, or Paths to carry or convey, bring, lay, and work in, over and upon the Lands adjoining to the River, all Manner of Materials for working and erecting all ſuch Staiths, Works, and other Things neceſſary for the making thereof, and for the neceſſary Repairs and Alteration of the ſame; and at all

Times

Times hereafter, to do all other Works, Matters, and Things, which ſhall be by them adjudged neceſſary and convenient for the better Improvement, Uſe or Conveniency of the Navigation, and for the repairing and ſupporting the Works ſo to be made, and amending, turning, or altering any Highways in and on the River, as may any Ways hinder the ſaid Paſſage and Navigation; as alſo to make Towing Paths, and Ways convenient for towing and drawing of Ships, Pinks, &c. paſſing in, through, or on the River; the ſaid Truſtees giving ſuch Satisfaction to the Proprietors of the ſaid Lands, Hereditaments, and Premiſſes, for any Damage done to them, by Reaſon of the ſame, as the Commiſſioners herein after mentioned for that Purpoſe ſhall direct and appoint, in Caſe the ſaid Truſtees, their Deputies, Servants or Agents cannot agree with the Proprietors of the Lands, &c. concerning the ſame.

CX. *Sect.* 2. The ſaid Lord Mayor, Recorder, City Council, Aldermen, Sheriffs, ſuch Six of the Twenty-four, and Twenty of the Common Council, as aforeſaid, their Agents, Servants, or Workmen, before they meddle with any of the Land, Poſſeſſion or Property of any Perſons, for making of ſuch Cuts, Trenches, or Works, or ſetting out any ſuch Paſſages for carrying or conveying Commodities or other Things to, towards, or from the River, or for doing any the Matters or Things relating thereto, (ſaving only for the Surveying, Marking, or Laying out the Ground, or other Matter or Thing they intend to uſe for the Purpoſes aforeſaid, which it ſhall be lawful for them at convenient Times to do) ſhall compound and agree with the Owners thereof for ſuch Damages as ſhall be thereby done, or procure ſome Order therein to be made by the Commiſſioners or any Five or more of them, for that Purpoſe, in Manner hereafter expreſſed.

CXI. *Sect.* 3. The Lord Archbiſhop of *York*, the moſt Noble *Charles* Duke of *Somerſet*, and *William* Duke of *Devonſhire*, the Right Honourable *Charles* Earl of *Carliſle*, and *Arthur* Lord Viſcount *Ingram*, Sir *Thomas Wentworth*, Sir *Conyers Darcy*, and Sir *Robert Clifton*, Knights of the *Bath*, Sir *Walter Hawksworth*, Sir *William Strickland*, Sir *William Wentworth*, Sir *Edmund Anderſon*, Sir *Bryan Stapleton*, Sir *Darcy Dawes*, Sir *William Robinſon*, Sir *Henry Goodrick*, Sir *William Ramſden*, Sir *Thomas Clarges*, and Sir *Henry Slingsby*, Baronets (*with many others whoſe Names are in the Act at large*) ſhall be, and are hereby conſtituted Commiſſioners for ſettling and adjuſting all Matters, about which any Difference may ariſe between the Truſtees and the Proprietors of any Lands or Tenements near to or adjoining upon the River; and they, or any Five or more of them, are hereby impowered to mediate between the

the Truſtees and the Owners and Occupiers of ſuch Lands, Tenements, &c. as ſhall be intended to be uſed or altered for effecting the Navigation, or who may ſuſtain any Damage thereby, and by Writing under their Hands and Seals, ſettle and proportion what Satisfaction ſhall be made, and to whom, and how to be divided between Landlords and Tenants, or any other having any particular Intereſt or Eſtate in the Premiſſes which ſhall be ſo damnified or uſed, for his Loſs or Damage; and if any Perſons, Bodies Politick, Corporate, or Collegiate, upon convenient Notice given them, or left in Writing at the uſual Place of Abode of ſuch Perſons, or the Head Officer of ſuch Bodies Politick, &c. or at the Houſe of the Tenant in Poſſeſſion of the Lands, &c. intended to be uſed, ſhall, by the Space of Twenty Days next after ſuch Notice, neglect to treat, or having begun to treat ſhall not agree in the Premiſſes, or through any Diſability by Nonage, Coverture, Entail, or other Impediment, or by Reaſon of Abſence cannot treat, or are prevented from treating for themſelves; in every ſuch Caſe the Commiſſioners are required to iſſue a Warrant to the Sheriff of the County of *York*, commanding him to impanel and return before them, at ſuch Time and Place as in the Warrant ſhall be appointed, an indifferent Jury of Twenty-four Perſons of able and ſufficient Men in that County, qualified according to the Laws of this Realm, to be returned for Trials of Iſſues in the Courts at *Weſtminſter*, to appear before the Commiſſioners, upon Pain for every Default in not making ſuch Return to forfeit 50 *l.* and alſo to return in Iſſues on every Perſon ſo impanelled 20 *s.* and for Default of a ſufficient Number of Jurymen, the Sheriff or his Deputy ſhall return other honeſt and indifferent Men of the Standers-by, qualified as aforeſaid, to make up the Jury to the Number of Twelve; and all Perſons concerned may have their lawful Challenges againſt any of the Jurymen, when they come to be ſworn; and the Commiſſioners are to order the Jury to view the Place in Queſtion; which Jury, upon their Oaths, (which Oaths, and alſo the Oaths to Perſons called upon to give Evidence, the Commiſſioners are to adminiſter) ſhall inquire, and aſſeſs ſuch Damages and Recompence as they ſhall think fit to be awarded to the Owners or Occupiers of any Lands or Tenements, to be made Uſe of or damnified by making the River more navigable, or any other the Purpoſes, for ſuch Loſſes or Damages as they ſhall ſuſtain thereby; and the Commiſſioners ſhall give Judgment for the Sums aſſeſſed by the Jury, and ſhall upon Oath, and by all other lawful Ways and Means, examine, hear, and finally determine all Diſputes and Controverſies, which ſhall ariſe between any Perſons concerning any Matter relating

relating to the Premiſſes; which Verdict, Judgment, Sentence, or Determination, declared or pronounced by the Commiſſioners, and the Value and Recompence ſo to be agreed on (Notice in Writing being firſt given of their Meeting at leaſt Eight Days before, to every Perſon concerned, or to be left in Writing at the Dwelling Houſe of ſuch Party, or left at their uſual Place of Abode, or with the Owner or Occupier of the Lands, &c.) ſhall be binding againſt the ſaid Parties, their Heirs, &c. and all others, claiming any Title or Intereſt in the ſaid Lands, &c. in Poſſeſſion, Reverſion, Remainder or otherwiſe, as well Infants, Feme Coverts, or others, their Heirs, &c. by or under any of them; which Orders, Verdict, Judgment, Sentence, or Decree ſo made, ſhall be ſet down in Writing under the Hands of the Commiſſioners, and kept among the Records of the Seſſions of the Peace for the County of the City of *York*, by the Clerk of the Peace of the ſaid City; all which ſhall be deemed good Evidence in any Court of Law or Equity; and the Commiſſioners acting in the Premiſſes are hereby impowered to impoſe reaſonable Fines that ſhall be returned on ſuch Jury, who ſhall refuſe to be ſworn, or being ſworn, and not giving their Verdict concerning the ſame, or in any other Manner wilfully neglecting their Duties therein, and to levy ſuch Fines and Iſſues by Diſtreſs and Sale of the Goods of the Party ſo offending, rendring the Overplus to the Owner, after all Charges paid, by Warrant under the Hands and Seals of Three or more of them, to be directed to the Conſtable, &c. of the Place where the Offender lives; which Conſtable, &c. is impowered and required hereby to execute the ſame, no ſuch Fine to exceed 40 *s.* and all ſuch Fines, and alſo all Fines loſt by the Jurors returned by Virtue of this Act, to be paid to the Truſtees, or to whom they ſhall appoint, to be employed towards carrying on the Navigation.

CXII. *Sect.* 4. On Payment of the Sums ſo agreed on or aſſeſſed to the Parties concerned, or Tender thereof at his or their Dwelling Houſe, if they have any Dwelling Houſe within the County of *York*, or County of the City of *York*, and if they have no ſuch Dwelling Place, then on Payment thereof into the Hands of the Commiſſioners Clerk, for the Uſe of ſuch Perſons as the Commiſſioners ſhall appoint the ſame to be paid to, (to be paid by the Commiſſioners Clerk to ſuch Perſons without Fee) it ſhall be lawful for the Truſtees, and their Workmen, Servants and Agents, to do all and every ſuch Matter and Thing, in Order to the making, continuing, ſupporting and carrying on the Navigation of the River, and all ſuch other Acts relating thereto, for which any Agreement or Order ſhall be made, as aforeſaid: And this Act ſhall indemnify the Commiſſioners and Truſtees, their Heirs,

Heirs, &c. and all Perſons authorized by them, againſt the Owners or Occupiers, their Heirs, &c.

CXIII. *Sect.* 5. Whatever new Trenches, Cuts, or Paſſages for Water ſhall be made in or through any Lands adjoining to or lying near the River, in order to the widening, ſtraightening, or otherwiſe improving or making the River more navigable, and all the Banks and Staiths of ſuch new Trenches, &c. ſhall at all Times be maintained and repaired at the ſole Charge and Expence of the Truſtees.

CXIV. *Sect.* 6. For ſupplying a competent Number of Commiſſioners in Caſe of Death, or any of their Refuſal to act, the ſurviving Commiſſioners, or any Nine or more of them, ſhall by Inſtrument in Writing under their Hands and Seals, to be recorded and kept by the Commiſſioners Clerk, nominate and appoint, in the Place of them ſo dying, or refuſing to act, other fit Perſons in the County of *York*, or Aynſty of *York*, having an Eſtate in Land of 100 *l.* *per Annum* at leaſt, or a perſonal Eſtate of the Value of 2000 *l.* at the leaſt, ſo always as there may be a ſufficient Number, *viz.* Fifteen Commiſſioners at the leaſt living at one Time, to put this Act in Execution; which Commiſſioners ſo appointed, ſhall thenceforth have the like Power and Authority, in all Things relating to the Navigation, as if expreſly named in this Act.

CXV. *Sect.* 7. It ſhall be lawful for Seven or more of the Commiſſioners in Conjunction, and with the Concurrence of Seven or more of the Truſtees, to lay ſuch Tolls or Rates on all Wares, Merchandizes or other Commodities, carried on the River above *Wharf Mouth*, (except ſuch Straw, Manure, Dung, Compoſt, or Lime only, as ſhall be Waterborne and uſed in Tillage; and alſo except all Timber, Stone, and other Materials, made uſe of about the Works neceſſary for improving of the Navigation of the River) as Seven or more of the Commiſſioners, with Seven or more of the Truſtees, ſhall, from Time to Time, under their Hands think fit and declare, not exceeding 6 *d.* for every Ton-Weight of Salt, Lead, Horns and Sider, Tow, old Glaſs, Timber, Coals, Corn, Seeds, Flour, Turfs, Caſes, Cheſts of Glaſs, *Dutch* Tiles, Earthen Ware, Butter, Flax, and Hemp; and not exceeding 1 *s.* 6 *d.* for every Ton-Weight of Iron, Steel, and wrought Iron Ware; and not exceeding 2 *s.* 6 *d.* for every Ton-Weight of Wines and Groceries; and not exceeding 6 *d.* for all Goods, Wares, Merchandizes, and Commodities whatſoever, carry'd and conveyed on the River above *Wharf Mouth*, except as before, and ſo proportionably for any greater or leſſer Quantity; and it ſhall be lawful for the Truſtees, and ſuch Perſons as ſhall be by them appointed, at all Times after the Tolls and Rates are

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o made as aforeſaid, to demand, recover, and take from all Perſons that ſhall carry any Wares, Merchandizes, or Commodities upon the River above *Wharf Mouth*, ſuch reaſonable Tolls and Rates as ſhall be ſo laid, and no other; and in Caſe of Neglect or Denial of Payment thereof to the Truſtees, or ſuch Perſons, and at ſuch Places, and in ſuch Manner, as the Truſtees ſhall direct, it ſhall be lawful for the ſaid Truſtees, or for ſuch Perſons as they ſhall appoint for collecting thereof, by Warrant under the Hands and Seals of Seven or more of the Truſtees, to ſtop and detain any Ships, Pinks, Keels, Boats, Lighters, or other Veſſels, wherein the Goods are carried, for which the ſaid Rates or Prices are to be paid, till Payment thereof, together with reaſonable Charges for taking and diſtraining ſuch Pink, *&c.* and if ſuch Pink, *&c.* ſhall not be redeemed within Ten Days after taking thereof, the Perſon ſeizing the ſame may ſell ſo much of the Goods therein contained, as will be ſufficient to anſwer the Tolls due and payable by Virtue of this Act, and alſo the Charge of ſeizing and detaining ſuch Veſſel, rendring the Overplus ariſing by the Sale to the Owner or Maſter of the Veſſel, if demanded.

CXVI. *Sect.* 8. It ſhall be lawful for the Watermen, and their Helpers and Aſſiſtants, to ſet up and make Uſe of Winches and other Engines, and with them, by the Strength of Men, Horſes, or Beaſts, going on the Banks or Lanes near the River, in a convenient Manner, without the Hindrance or Interruption of any Perſons, to draw or hale the Veſſels up and down the River.

CXVII. *Sect.* 9. The Place of Meeting for the Commiſſioners to put this Act in Execution, ſhall be at *York*, *Selby*, *Cawood*, or *Howdon*, and not elſewhere; and every Meeting to hear and determine any Difference ariſing from any Thing done in Purſuance of this Act, ſhall be at ſuch of thoſe Places as ſhall be near unto the Place where the Controverſy, or Matter to be enquired of, ſhall ariſe.

CXVIII. *Sect.* 10. The Commiſſioners, or any Seven or more of them, ſhall meet together at the *Guild-hall* of the City of *York*, on the 20th of *June*, 1727, and ſhall then adjourn themſelves, and afterwards meet at ſuch Places as are mentioned in this Act, as often as it ſhall be neceſſary for putting this Act in Execution.

CXIX. *Sect.* 11. If at any Meeting, which ſhall be appointed to be held by the Commiſſioners, there ſhall not appear a ſufficient Number of them to act at ſuch Meeting, and to adjourn to any other Day, in ſuch Caſe the Clerk to the Commiſſioners, by Notice in Writing to be affixed on the *Guild-hall* of the City of *York*, or at the Market-Places of *Cawood*, *Selby*, and *Howdon*, at leaſt Fourteen Days before

the next Meeting, ſhall appoint the Commiſſioners to meet at the Place where their Meeting was laſt appointed to be held, on that Day three Weeks, upon which ſuch laſt Meeting of the Commiſſioners was appointed to have been held.

CXX. *Sect.* 12. The Commiſſioners, or any Five or more of them, ſhall order and appoint what Sums of Money ſhall be annually, or otherwiſe paid to the Owners of Lands near the River, where ſuch towing or haling Paths ſhall be made by the Truſtees, for the erecting and keeping up all ſuch Gates, Paths, Bridges, and other Conveniencies for the haling up Veſſels; and the Owners ſhall, on Payment or Tender of ſuch Money, and from Time to Time for ever, maintain and keep up the ſame in Repair, for the Purpoſes aforeſaid.

CXXI. *Sect.* 13. Whereas ſeveral new Cuts, Trenches, and Paſſages for Water, may be judged neceſſary to be made, whereby ſeveral Freeholders, Copyholders, and other Owners and Occupiers of Lands, *&c.* may be obſtructed, or put under great Difficulties to come at their Lands, *&c.* therefore the Truſtees ſhall, out of the Money to be received from Goods paſſing on the River, make, ſet up, and maintain Boats, Bridges, Ferries, and ſuch proper Conveniencies, in ſuch Manner as any Five or more of the Commiſſioners ſhall direct; and every ſuch Freeholder, *&c.* who ſhall be ſo obſtructed by ſuch new Cuts, *&c.* ſhall, without paying any Toll or Conſideration, have free Uſe of ſuch Bridges, *&c.* and Liberty of paſſing and re-paſſing the new Cuts with their Goods, Carts, Horſes, and Cattle; and the Truſtees, their Agents, or Servants, ſhall be obliged to ferry over, and carry them at all ſuch Times as they ſhall think proper.

CXXII. *Sect.* 14. The Maſter of every Veſſel that ſhall be employ'd on the River, ſhall be anſwerable for the Damage or Miſchief that ſhall be done by his Veſſel, or any of his Crew, to the Navigation, Towing Paths, Haling Ways, Gates, or Bridges; and alſo for all Treſpaſſes and Damages done thereby to the Owners or Poſſeſſors of any of the Lands bordering on the River, except what is provided for and allowed by this Act, and is neceſſary for the Navigation, or incident or belonging to a River; and ſuch Maſter may be ſued for the ſame.

CXXIII. *Sect.* 15. All the Proceedings of the Commiſſioners in and about the Premiſſes, and Verdicts of the Juries, and all Judgments, Orders, Sentences, and Decrees to be made, and all Inſtruments whereby new Commiſſioners ſhall be appointed, and all other Proceedings, and the Charges and Expences about making or continuing the Navigation, and the Monies borrowed towards carrying on the ſame, ſhall be fairly entred in one or more Books, to be kept for that Purpoſe, by the Clerk who ſhall be appointed by the Com-

Commiſſioners; and all Perſons may have Recourſe to the ſame, *gratis*, and take Copies thereof, paying for each Copy, not exceeding 200 Words, 1 *s.* and ſo in Proportion for a greater or leſſer Number of Words; and the ſaid Books ſhall be adjudged to be Records, and the ſame, or true Copies thereof, ſhall be allowed as Evidence in any Court whatſoever.

CXXIV. *Sect.* 16. The Owners of, and all Perſons occupying any Lands, &c. adjacent or near the River, ſhall have free Liberty to keep or uſe any Boat or Veſſel for Pleaſure; provided the Owners of ſuch Boats ſhall not carry in them any Goods or Merchandizes, except ſuch for which no Toll is to be paid by this Act, and what ſhall be neceſſary for the Time ſuch Boats are uſed for Pleaſure.

CXXV. *Sect.* 17. The Commiſſioners, or any Five or more of them, ſhall not have Power to ſettle, adjudge or determine any Damages, or Satisfaction to be made by the Truſtees, their Agents or Servants, or by any Perſons navigating the River, and the Owners of Lands or other Hereditaments, in any other Method than by a Verdict of a Jury of Twelve Men, to be returned, impanelled, and ſworn in Manner as is herein before mentioned, and upon hearing of all Parties concerned; nor ſhall act in any Matter or Thing wherein their Property ſhall be in any Manner concerned.

CXXVI. *Sect.* 18. After the Twenty-fourth of *June*, 1727, all Perſons, who in the City or Suburbs of *York*, ſhall throw any Dirt, Aſhes, Soil or Rubbiſh into the River, or ſhall lay in any Street or Paſſage of the ſaid City or Suburbs, or ſweep, or otherwiſe put into any of the Chanels or Watercourſes there, any Dirt, Aſhes, Soil or Rubbiſh whatſoever, and ſhall be thereof convicted before one Juſtice of the Peace for the City, on the Oath of any Perſon informing thereof, ſhall forfeit 5 *s.* for every ſuch Offence to the Truſtees; One Fifth Part thereof to the Informer, and the Remaining Four Fifths towards improving and compleating the Navigation, to be levied by Diſtreſs, &c. in Caſe of Non-payment within Five Days after Conviction; rendring the Overplus to the Owner, after deducting the neceſſary Charges of making, keeping and ſelling the Diſtreſs; and for want of Diſtreſs, the Offenders to be committed to the common Gaol or Work-houſe of the City 'till they pay the Forfeitures.

CXXVII. *Sect.* 19. Nothing herein contained ſhall extend to impower the Commiſſioners to interfere in any Juriſdiction, which the Mayor and Commonalty of *York* are entitled to, over the River, by Charter, Grant, or otherwiſe, before the Paſſing this Act.

CXXVIII. *Sect.* 20. Nothing in this Act ſhall extend to leſſen or take away the Commiſſion of Sewers for the Level of *Hatfield Chaſe*, and Parts adjacent, in the Counties of *York*, *Lincoln* and *Nottingham*, nor any other Commiſſion of Sewers; but they ſhall continue in full Force; and the Commiſſioners of Sewers for the ſaid Level, &c. ſhall have the ſame Power over the Rivers, Dikes, Drains, Trenches and Sewers, and all Banks or other Works in and upon the ſame, within the Limits or Bounds appointed, or lawfully to be appointed by the preſent, or any Commiſſion of Sewers hereafter to be granted for the ſaid Level, and Parts adjacent, that they would have had, if this Act had not been made.

CXXIX *Sect.* 21. If any Diſpute or Difference ſhall ariſe between the Maſter of any Veſſel navigating on the River, and the Truſtees, their Collectors, Servants or Agents, concerning the Weight or Quantity of any Goods contained in the Veſſel, it ſhall be lawful for the Lord Mayor of *York*, if he ſhall judge proper, to adminiſter to the Maſter an Oath, whereby to aſcertain and ſettle, to the beſt of his Knowledge, Judgment and Belief, what the Quantity or Weight of the Goods is; and if the Maſter ſhall refuſe to take ſuch Oath, then the Truſtees, their Collectors, &c. may weigh the Goods, the Maſter bearing the Charges of ſuch weighing; and alſo all ſuch Loſs or Injury as may, without the wilful Default or Neglect of the Perſons weighing them, happen to the Goods; and if the Maſter of the Veſſel, after the Goods ſhall have been weighed, refuſe to pay the Duties hereby charged, the Truſtees, their Agents or Servants, may ſell ſo much, and ſo many of the Goods as ſhall be ſufficient to ſatisfy the ſame; and alſo to reimburſe themſelves all reaſonable Charges and Expences occaſioned by the Weighing of the ſame.

CXXX. *Sect.* 22. It ſhall be lawful for the Truſtees, or the major Part of them, by Indenture under their Hands and Seals, to engage the Profits or Sums of Money ariſing by the Tolls; and to grant, mortgage or convey the ſame to any Perſons that will, on ſuch Security or Conveyance, advance any Money for carrying on the Work, for ſecuring the Repayment thereof, with Intereſt not exceeding 5 *l. per Cent. per Ann.*

CXXXI. *Sect.* 23. As ſoon as ſufficient Money ſhall be raiſed for the Uſes and Purpoſes aforeſaid, and ſhall be ſo adjudged by the Commiſſioners, or the major Part of them, then, after Repayment of the Monies borrowed, with the Intereſt thereof; or in Caſe the Truſtees ſhall not proceed in the Undertaking, in making the River navigable, within the Space of Three Years, to be computed from the Twenty-fourth

fourth of *June*, 1727, but ſhall neglect to carry on the ſame; the Commiſſioners ſhall have Power to abridge and moderate the Duties, as they, or the major Part of them, ſhall ſee fit and convenient.

CXXXII. *Sect.* 24. No Perſon ſhall be capable of acting as a Clerk to the Commiſſioners 'till he ſhall have given good and ſufficient Security for the due Payment of all ſuch Sums of Money, as by Virtue of this Act ſhall come to his Hands, to the Perſons for whoſe Uſe the ſame ſhall be to him paid.

CXXXIII. *Sect.* 25. Power is hereby given to the Commiſſioners, or the major Part of them, once in every Year, or oftner, if they ſhall ſee Occaſion, to aſſeſs and rate the Prices of all Carriage of Goods, Water-borne, to be brought to, and carried from the City of *York*, or any other Places or Towns, upon or adjoining to the River, by any Maſter of a Pink, Boat, or other Veſſel, and to cauſe the Rates and Aſſeſſments ſo made to be hung up in ſome publick Place where ſuch Veſſels come from, or go to; to which all Perſons may have Reſort for their Information; and no Maſter of any Veſſel ſhall, for the Freight or bringing of ſuch Goods, take above the Rates or Prices ſet thereon, on Pain of forfeiting for every Offence 40 *s.* to be levied by Warrant under the Hands and Seals of one or more Juſtices of the Peace for the ſaid City or Riding where ſuch Maſter ſhall reſide, or where ſuch Goods ſhall be brought, to the Uſe of the Truſtees.

CXXXIV. *Sect.* 26. Whereas the Diverting the River *Ouze*, by a Cut intended to be made at or near *Salt-Marſh*, may, in proceſs of Time, if effected, cauſe the preſent Courſe of the ſaid River to be damaged, and warpt up in that Part where the New River *Dun*, or *Dutch Cut* empties into the ſame, and will thereby much injure the preſent Courſe of the New River *Dun*, and may probably much damnify the Navigation of the ſame: Be it therefore enacted, That the Undertakers for improving the Navigation of the ſaid River *Dun*, from *Holmſtile* to *Wilſick Houſe*, are hereby authorized, and ſhall have free Liberty, from Time to Time, when they find the Navigation impaired by the Means aforeſaid, ſo that ſuch Veſſels as at preſent navigate on the River *Dun*, or *Dutch Cut*, cannot navigate or ſail to or on the River *Ouze*, to make ſuch neceſſary Works for the Preſervation of the ſame, and to cut and open in and thro' the Lands adjacent, and moſt convenient, a navigable Chanel or Cut from the ſaid New River into any Part of the River *Ouze*, or into any Part of the new intended Cut, when made, at or near *Salt-Marſh*; for which Lands ſo cut and uſed, the Undertakers for improving the Navigation

of the River *Dun* ſhall be ſubject to the ſame Proviſions, and liable to make ſuch Satisfaction to all and every Freeholder, Copy-holder, Owner and Occupier of Lands, Tenements and Hereditaments, in ſuch Manner, and by ſuch Ways and Means, as by this Act is in like Caſes preſcribed.

CXXXV. *Sect.* 27. When the Undertakers for improving the Navigation of the River *Dun*, ſhall have made ſuch Works, and the Navigable Chanel or Cut from the new River *Dun*, or *Dutch Cut*, then it ſhall be lawful for them, for improving the Navigation of the ſaid River, towards the Charge of making ſuch navigable Chanel, to demand and take of all Veſſels that navigate up and down the ſame, any Sum of Money not exceeding 3 *d. per* Ton for all Goods, Wares and Merchandizes that ſhall be conveyed up and down the ſame in any Keels, Boats, or other Veſſels, over and above the Duty payable by the recited Act, and excluſive of all Tolls due and payable between *Wilſick Houſe* and *Holmſtile*, in *Doncaſter*: And all Veſſels of any kind or ſort whatſoever, that ſhall hereafter navigate from *Holmſtile* in *Doncaſter*, down the River *Dun* to *Wilſick*, and from thence to the River *Ouze*, after Payment of ſuch Duties as are appointed to be paid in ſuch Manner as aforeſaid, ſhall have free Paſſage in and upon the ſame, without any Limitation or Reſtriction.

CXXXVI. *Sect.* 28. The preſent and all ſucceeding Commiſſioners of Sewers for the Level of *Hatfield Chaſe*, and Parts adjacent, ſhall have the ſame Authority over the new Cut intended to be made and continued from the Mouth of the New or *Dutch* River, or any Part thereof, into any Part of the River *Ouze*, or into any new Cut to be made by the Truſtees or Undertakers for improving the Navigation of the River *Ouze*, and over the Banks thereof, and over all Trenches and Paſſages leading and falling into the ſame, as they now have by Virtue of their preſent, or any other Commiſſion of Sewers hereafter to be granted, over the ſeveral Rivers, Dikes, Drains, Cuts, Trenches, Sewers, Banks and other Works within the Limits of their preſent Juriſdiction.

CXXXVII. *Sect.* 29. If any Action ſhall be commenced againſt any Perſon for any Thing done in Purſuance of this Act, it ſhall be brought within Three Months after the Fact committed, and ſhall be laid in the County, City or Place where the Cauſe of Action ſhall ariſe; and the Perſon ſued may plead the General Iſſue, &c. and on Verdict, &c. ſhall recover treble Coſts.

CXXXVIII. *Sect.* 30. This Act ſhall be allowed in all Courts as a publick Act; and all Judges, Juſtices and other Perſons are to take Notice of it as ſuch, without pecially pleading the ſame.

CXXXIX.

CXXXIX. Stat. 13 G. 1. c. 34. Sect. 1. The Moſt Noble *Henry* Duke of *Beaufort*, *Henry* Duke of *Kent*, and *James* Duke of *Chandos*, the Right Honourable *Edward* Earl of *Oxford*, and Earl *Mortimer*, *Thomas* Earl *Coningsby*, and Lord *Charles Noel Somerſet*, the Biſhop of *Hereford* for the Time being, the Right Honourable the Lord *Arthur Somerſet*, *Chaworth* Earl of *Meath*, *Thomas* Lord Viſcount *Gage*, and *William* Lord Viſcount *Bateman*, (the Three laſt of the Kingdom of *Ireland*) the Honourable *Robert Price*, Eſq; one of his Majeſty's Juſtices of the Court of Common Pleas, Sir *Archer Croft*, Sir *Robert Cornwall*, Sir *Edward Goodere*, Sir *Hungerford Hoskins*, Sir *John Morgan*, and Sir *David Williams*, Barts. Sir *William Morgan*, Knight of the *Bath*, Sir *George Caſwall*, and Sir *Humphery Howarth*, Knts. (*with many others whoſe Names are in the Act at large*) ſhall be Truſtees for putting in Execution the Act 14 *Car.* 2. *For making the Rivers* Wye *and* Lugg, *and the Rivers and Brooks running into the ſame, in the Counties of* Hereford, Glouceſter, *and* Monmouth *navigable*; and the Act 7 & 8 *W.* 3. *c.* 14. *For making navigable the Rivers* Wye *and* Lugg, *in the County of* Hereford, as well as this preſent Act; in as ample a Manner as the Truſtees or Commiſſioners, or either of them, had Power in the ſaid recited Acts to do; and all the Powers, Liberties, Authorities, Privileges, Profits, Commodities, Benefits and Advantages whatſoever; and all the Eſtate, Right, Title and Intereſt of, in, or about the Navigation of the ſaid Rivers and Brooks, and Streams running into the ſame, ſhall be, and are hereby veſted in the ſaid Truſtees; and they, or any Twenty-one, or more of them, are hereby impowered to execute all and every the Powers granted by the recited Acts, as fully and effectually as if the ſame were at large repeated and re-enacted in the Body of this preſent Act.

CXL. *Sect.* 2. The Truſtees, or any Twenty-one or more of them, ſhall meet at the *Swan* and *Falcon* in the City of *Hereford*, and adjourn themſelves from Time to Time, as they ſhall think fit.

CXLI. *Sect.* 3. For continuing a ſufficient Number of Truſtees at all Times hereafter, when any of the Number of the Truſtees before-named, or hereafter to be named, for each River reſpectively, ſhall by Death or otherwiſe, be reduced under the Number of Twenty-one for each River, it ſhall be lawful for ſuch of the reſpective Truſtees as ſhall remain, or the major Part of the Truſtees for each River, by any Writing under their Hands and Seals, to elect, nominate and appoint ſuch fit and able Perſons as they ſhall judge reaſonable and convenient, to be joined

with them in the Execution of all and every the Powers and Truſts in them repoſed by this Act; and the Perſons ſo to be choſen ſhall be, and are hereby impowered to act to all Intents and Purpoſes, in as full and ample Manner as the Truſtees before or hereafter to be named, are by this Act impowered to do; Provided that the Number of ſuch reſpective Truſtees to be choſen do not exceed the Number of the Truſtees reſpectively hereby appointed; and at all Meetings the Truſtees ſhall defray their own Expences.

CXLII. *Sect.* 4. It ſhall be lawful for the Truſtees, or any Twenty-one or more of them, to ſummon before them any Perſons authorized or appointed by Virtue of the ſaid Act of 7 & 8 *W.* 3. *c.* 14. to receive, diſburſe, or pay any Money in Purſuance of the ſaid Act, their Executors, Adminiſtrators, Securities or Aſſigns; all and every of whom ſhall, if thereto required, upon Oath before the Truſtees (which Oath the Truſtees are impowered to adminiſter) give in a true, exact, and perfect Account in Writing under their Hands, of all Monies, Rents and Arrears of Rents, which they, every or any of them, have received, paid or diſburſed in Purſuance of the laſt recited Act, and what is remaining in any of their Hands; and likewiſe to account in the ſame Manner for all Materials, or any other Thing belonging to any Mills or Wears purchaſed by Virtue of the ſaid laſt Act; and if any of them ſhall neglect to appear, or refuſe to give ſuch Accounts, within Twenty Days after required by the Truſtees, by Writing under their Hands and Seals, the ſaid Truſtees are impowered and entitled to bring any Action, Suit or Information in Law or Equity, againſt ſuch Perſons who ſhall neglect to appear, or refuſe to give ſuch Accounts, for the Benefit of the Navigation.

CXLIII. *Sect.* 5. It ſhall be lawful for the Truſtees, or any Twenty-one or more of them, to ſummon any Perſon whom they think may be capable of giving Information or Evidence touching the Premiſſes, and may examine them on Oath as to Matters relating thereto (which Oath they are hereby impowered to adminiſter); and if any Perſons ſhall have in their Cuſtody any Papers, Vouchers, Accounts, Securities, Deeds or Writings whatſoever, concerning any Money or Materials which have been collected and received in Purſuance of the recited Acts, every ſuch Perſon ſhall deliver the ſame to the Truſtees, or to any Perſons appointed under their Hands and Seals; and if any Perſons neglect or refuſe to appear and be examined, or to deliver up ſuch Papers, Vouchers, &c. the Truſtees are hereby impowered to bring Actions, Suits or Information in Law or Equity againſt them; and if it ſhall appear either by Confeſſion of the

the Party, or by the Teſtimony of one or more credible Witneſſes, that any Money, Rent, Arrears of Rents, Materials or other Things, are remaining in the Hands or Poſſeſſion of any Perſon, which ought to be applied towards making either of the ſaid Rivers navigable, all ſuch Perſons ſhall pay and deliver up the ſame within Twenty Days after Notice given them in Writing under the Hands and Seals of the Truſtees, to ſuch Perſons as the Truſtees ſhall appoint for that Purpoſe; and in Caſe ſuch Perſons ſhall neglect to make ſuch Payment, and to deliver up ſuch Materials, the Truſtees are hereby impowered to bring an Action, Suit or Information in Law or Equity againſt the Perſons ſo refuſing or neglecting, &c. and if upon any ſuch Action, &c. a Verdict, Judgment or Decree ſhall be obtained for the Plaintiff therein, the Defendant ſhall pay treble Coſts.

CXLIV. *Sect.* 6. All Sums of Money, Rent, Arrears of Rent, Materials, and other Things which were or ſhall be collected or acquired by Virtue of the ſaid Act of 7 & 8 *W.* 3. or by this Act ſhall be applied in ſuch Proportion as is preſcribed by the ſaid Act; (*viz.* Three Parts in Four for the River *Wye*, and One Part in Four for the River *Lug*) and ſhall be paid and delivered over by the Truſtees, or any Twenty-one or more of them, or by their Order in Manner following, *viz.* ſo much thereof as is unapplied and allotted for making navigable the River *Wye*, ſhall be paid over, and delivered into the Hands of ſuch Perſons as ſhall be nominated and appointed to receive the ſame, by any Writing under the Hands and Seals of the Truſtees, (*whoſe Names ſee in the Act at large*) or any Seven or more of them, who are hereby nominated and appointed Truſtees for putting in Execution ſo much of this and the former Acts, that relates to the River *Wye*, and are hereby required to employ ſuch Sums of Money, Rents and Materials which were or ſhall be received for the Uſe of the Navigation of the River *Wye*, and not otherwiſe; and they ſhall meet at the *Swan and Falcon* in the City of *Hereford*, and may adjourn themſelves as they ſhall ſee Occaſion; and ſuch other Part thereof as is unapplied and allotted for making navigable the River *Lugg*, ſhall be paid over and delivered into the Hands of ſuch Perſons as ſhall be nominated and appointed to receive the ſame, by any Writing under the Hands and Seals of the Truſtees (*whoſe Names are likewiſe in the Act*) or any Seven or more of them, who are hereby nominated and appointed Truſtees for putting in Execution ſo much of this and the former Acts, as relates to the River *Lugg*; and they are hereby required to imploy ſuch Sums of Money, Rent, and Arrears of Rent, and Materials which were, or ſhall be received as aforeſaid, for the Uſe of the Navigation of the

River

River *Lugg*, and not otherwiſe; and they ſhall meet at the *Unicorn* in *Leominſter*, and may adjourn themſelves from Time to Time, as they ſhall ſee Occaſion.

CXLV. *Sect.* 7. The reſpective Truſtees above-named are hereby authorized and required to pay out of the Money, Rents, or Arrears of Rent, by them to be reſpectively received by Authority of this Act, the Charges of paſſing the ſame, in the Proportions aforeſaid.

CXLVI. *Sect.* 8. The Truſtees, or any Eleven herein appointed for the River *Lugg*, ſhall, out of the firſt Money ariſing from the Navigation of that River, (next after the Charge of paſſing this Act) repay to the Inhabitants of the Townſhip of *Hampton-Biſhop* the Sum of 70 *l.* towards their Expences of rebuilding the Bridge, called *Hampton Meadow-Bridge*.

CXLVII. *Sect.* 9. The reſpective Truſtees before-named, or any Eleven or more of them, are hereby impowered to contract or agree with any Owners of Lands adjoining to the Rivers, or either of them, to erect and preſerve any Wears or Mills in ſuch Places on the ſaid Rivers reſpectively, as ſhall be appointed by the reſpective Truſtees, or any Eleven or more of them reſpectively, for the better effecting and preſerving the Navigation of the ſaid Rivers; and if ſuch Owners ſhall refuſe or neglect to agree for the Sale of their Lands, and all their Eſtate and Title therein, with the reſpective Truſtees, or any Eleven or more of them, on or near which of the ſaid Rivers ſuch Lands lie, the ſaid Truſtees are hereby authoriſed to iſſue their Warrants to the Sheriff of the County of *Hereford*, who is hereby required to impanel and return before the Truſtees, a Jury of able and ſufficient Men, qualified according to the Laws of this Kingdom, to ſerve on Juries to be returned for Trials of Iſſues joined in any of the Courts of Record at *Weſtminſter*, on Pain to forfeit for every Perſon being returned in ſuch Panel, that ſhall not be ſo qualified, the Sum of 5 *l.* to his Majeſty; and likewiſe ſhall return in Iſſues on any Perſon ſo impanelled or returned on ſuch Warrant, at leaſt 20 *s.* which ſhall be duly eſtreated and levied; to which Jury all the Parties concerned are to have their legal Challenges; which Jury upon their Oaths, (which Oath the Truſtees are to adminiſter) ſhall enquire and aſſeſs ſuch Damages and Recompence, as they ſhall judge fit to be awarded to the Owners of ſuch Lands, as ſhall be uſed or damniſied by the erecting of ſuch Wears or Mills on ſuch Land, for their reſpective Eſtates and Intereſts therein, or ſuch Loſſes or Damages as they thereby ſuſtain; and the Truſtees ſhall give Judgment for the Sum ſo aſſeſſed by the Jury, and ſhall, upon the Examination of Witneſſes on Oath, and by all other Ways and Means, lawfully examine, hear, and

and determine all manner of Debates and Controverſies in Queſtion which ſhall happen and ariſe between any Perſons, concerning any Thing relating to the Premiſſes; which Verdict, Judgment, or other Determination, declared or ſet down by the Truſtees, and the Price and Recompence ſo to be aſſeſſed (Notice in Writing being firſt given of ſuch Meeting at leaſt Twenty Days before, declaring the Time and Place of meeting to every Party concerned, or to be left in Writing at the Dwelling-Houſe of ſuch Party, or at their uſual Place of Abode, or with the Tenant or Occupier of the Land of ſuch Party, adjoining or near to either of the ſaid Rivers) ſhall be binding againſt the ſaid Parties, their Heirs, Executors, *&c.* and all others claiming any Title or Intereſt in the ſame, in Poſſeſſion, Reverſion, Remainder, or otherwiſe, as well Infants, Feme Coverts, as others, and their Heirs, and all claiming by or under them; which Judgment or Determination ſhall be final, and ſet down in Writing under the Hands of the Truſtees, or any Eleven or more of them, to be delivered to the Clerk of the Peace of the County of *Hereford*, and to be kept by him on Record of the publick Seſſions of the Peace there, and ſhall be adjudged good and ſufficient Evidence in any Court of Law or Equity; and on Payment of the Money ſo aſſeſſed and adjudged, or Tender thereof made at the Dwelling-Houſe of the Party, or the Occupier of ſome Land of ſuch Party; and if on ſuch Tender the Party concerned ſhall refuſe, or is not ready to receive it, then on Payment thereof into the Hands of the Clerk of the Peace for the County of *Hereford*, for the Uſe of ſuch Perſon, it ſhall be lawful for the Truſtees, or any Eleven or more of them, to erect any Mills or Wears upon or adjoining to the ſaid Rivers, and to do any other Acts neceſſary for making and preſerving either of the Rivers navigable, for which any Agreement, Order, or Judgment ſhall be made.

CXLVIII. *Sect.* 10. No Truſtee ſhall ſit or act in the Execution of any of the Powers herein contained, where he is any wiſe intereſted or concerned.

CXLIX. *Sect.* 11. Nothing herein contained ſhall extend to any Lands lying on or near the River *Wye*, below the Town of *Roſs* in the County of *Hereford*.

CL. *Sect.* 12. No Owner or Occupier of Wears or Mills hereafter to be erected, or any other Perſon, ſhall lay or place any Nets, Snares, Engines, Weels, Pots, or other Devices, in, on, or at any of the ſaid Wears or Mills, or any Part thereof, or take or deſtroy the Fiſh, or hinder their free Paſſage thence, on Pain of forfeiting for every ſuch Offence 100 *l.* to any Perſon that ſhall, within Six Months

Months after the Offence committed, ſue for the ſame by Action of Debt, &c. in any Court of Record at *Weſtminſter*, wherein no Eſſoign, &c. ſhall be allowed; and in ſuch Action the Plaintiff ſhall recover full Coſts.

CLI. *Sect.* 13. The Rents and Profits ariſing by any Mill or Wear already erected, or that may be erected on either of the ſaid Rivers, ſhall be put into the Hands of ſuch Receiver as ſhall be appointed by the Truſtees for each River, or any Eleven or more of them reſpectively, and ſhall be applied ſeparately towards the making and preſerving that River navigable, on or near which ſuch Mill or Wear ſtands, and to no other Uſe; and the Truſtees ſhall have the like Remedy for recovering the ſame, as any other Perſon hath in ſuch Caſes at Law or Equity.

CLII. *Sect.* 14. Every Boat or Barge, Maſter or Owner, ſhall be anſwerable for any Damage or Miſchief that ſhall be done by his Barge or Boat, or any of the Crew, wilfully or by Neglect, to any of the Wears, Locks, Dams, or other Engines, in and on either of the ſaid Rivers; for any Treſpaſs or Damage done to the Owners or Poſſeſſors of any Lands or Tenements near adjoining to either of the Rivers, otherwiſe than is provided for by this, or either of the former Acts: And ſuch Barge or Boat-Maſter, or Owner thereof, may be ſued for the ſame; and, if found Guilty, the Plaintiff ſhall recover not only the Damages thereby ſuſtained, but full Coſts of Suit.

CLIII. *Sect.* 15. The firſt Meeting of the Truſtees ſhall be held on or before the Twentieth of *September* next, at the Sign of the *Swan* and *Falcon* in *Hereford*; Notice whereof ſhall be given, by affixing a Writing on the ſeveral Market Houſes in the City of *Hereford*, and the Towns of *Leominſter* and *Monmouth*, at leaſt One Month before ſuch Meeting.

CLIV. *Sect.* 16. No Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, or any of the Powers therein contained, except the Mayor of *Hereford*, the Mayor of *Monmouth*, the Bailiff and the Vicar of *Leominſter* for the Time being, unleſs he ſhall be poſſeſſed of Lands, Tenements, or Hereditaments, which were taxed, or ſhall pay to the publick Taxes to the Value of 150*l.* *per Ann.* or more.

CLV. *Sect.* 17. If any Perſon intended by this Act to be diſabled, ſhall preſume to act as a Truſtee in the Execution of this Act, or any of the Powers therein contained, he ſhall, for every Offence, forfeit 100*l.* to be levied by Diſtreſs and Sale of ſuch Offender's Goods; and the ſaid Forfeiture ſhall be towards making and maintaining the ſaid Rivers navigable, in the Manner, and according to the Proportions aforeſaid.

CLVI.

CLVI. *Sect.* 18. Provided, That no Wear or Mill ſhall be erected on the River *Wye*, below the Town of *Roſs* in the County of *Hereford*.

CLVII. *Sect.* 19. If any Suit ſhall be commenced againſt any Perſon for any Thing done in Purſuance of this Act, the Action ſhall be laid in the Counties of *Hereford*, *Glouceſter*, *Worceſter*, or *Monmouth*, or either of them, at the Election of the Plaintiff, and the Defendant may plead the General Iſſue, and give this Act, and the Special Matter in Evidence; and if the Jury ſhall find for the Defendant, or if the Plaintiff be nonſuited, *&c.* the Defendant ſhall recover treble Coſts.

CLVIII. *Sect.* 20. This Act ſhall be adjudged to be a publick Act, and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CLIX. Stat. 3 G. 2. *c.* 11. *After nominating a great Number of Perſons (whoſe Names ſee in the Statute at Large) of the ſeveral Counties of* Middleſex, Surrey, Berks, Bucks, Oxon, Glouceſter, *and* Wilts; It is enacted,

Sect. 1. That the ſaid Perſons ſhall be conſtituted Commiſſioners for regulating the Prices to be taken for the Paſſage of all Barges, Boats, and other Veſſels, navigating the Rivers of *Thames* and *Iſis* from *London* Weſtward, to *Cricklade* in the County of *Wilts*, or to any other Places between *London* and *Cricklade*, by all Owners and Occupiers of Locks, Wears, Bucks, Winches, Turnpikes, Dams, Flood-gates, and other Engines, on or near the ſaid Rivers, between *London*, Weſtward, and *Cricklade*, and which may affect the Navigation of thoſe Rivers; and for ſettling the Rates to be taken from all ſuch Barges, *&c.* by the Owners of Towing-Paths between *London* and *Cricklade* already uſed, and for the orderly uſing the ſame either by Men or Horſes, as to the Commiſſioners ſhall ſeem moſt convenient; and likewiſe for aſcertaining the Rates of Water Carriage on the ſaid Rivers between *London* and *Cricklade*, and all other Places lying on thoſe Rivers between the ſame, and for fixing a Water-mark for the opening of all Locks, Wears, Turnpikes, Dams, and Flood-gates; and for regulating the Abuſes committed by the Barge-Men in their Navigation on the ſaid Rivers; and for making Reparation to the Perſons who ſhall be injured thereby, and for putting in Execution all the Powers in this Act contained.

CLX. *Sect.* 2. The Commiſſioners, or any Fifteen of them, ſhall, for the firſt Time, meet on the Eighteenth of *June*, 1730, at the *Guild hall* in *Reading*, in the County of *Berks*; and from thence, by Adjournment, meet at the *Town-*

hall

hall in the City of *Oxford*, on the Eighth of *September* following; and ſo from Time to Time they are required to meet at leaſt twice in every Year, on ſuch Days, and at ſuch Places, as the Majority of the Commiſſioners ſhall appoint; and ſhall, at ſuch Meetings, for ſuch Number of Days as to them ſhall ſeem convenient, (on due Examination of the Matter in Controverſy upon Oath, which Oath they, or any Three of them are to adminiſter) make Orders and Conſtitutions for the ſettling reaſonable Rates and Prices to be taken from the Owners of all Barges, &c. for the Uſe of Towing-Paths, either by Men or Horſes, as they are now uſed; and by the Tenants or Occupiers of all Locks, Wears, &c. in, on, or near the ſaid Rivers of *Thames* and *Iſis*, between *London* and *Cricklade*, for the Help which the Barges, &c. may receive thereby in their Paſſage on the Rivers, Regard being had as well to the Burthen or Tonnage of ſuch Barges, &c. that ſhall navigate the ſaid Rivers, as to the Rates ſettled by the Act 6 & 7 *W.* 3. *c.* 16. *To prevent the Extortions of Occupiers of Locks and Wears upon the River of* Thames *Weſtward, and for aſcertaining the Rates of Water-Carriage on the ſaid River*) [which Act *ſee in* Vol. IV. Tit. Thames.] And to the Charges and Expences which have been, and ſhall be laid out in building, repairing, enlarging, and ſupporting the Locks, Wears, &c. and alſo to conſtitute ſuch neceſſary Orders concerning the Navigation, and the Locks, Wears, &c. and the Shutting, Penning, Opening, Drawing, Uſe, or Management thereof, for the Benefit and Safety of the Navigation, and making Satisfaction for the Loſs or Damage which any Owners or Occupiers of Mills or Lands ſhall ſuſtain thereby; and concerning all Barges, &c. paſſing by, through, or with the Help of the ſame; and the Behaviour of all Bargemen, Boatmen, Watermen belonging to, or working in ſuch Barges, &c. ſo as to regulate the Abuſes which have been frequently heretofore committed, or may hereafter be committed by them in the Navigation; and to give ſuch Reparation and Damages to the Perſons agrieved thereby, as likewiſe to the Owners or Occupiers of Meadows, who ſhall be damaged by the Neglect or Refuſal of the Owners of ſuch Locks, &c. in not opening, and keeping them open 'till the Water is ſunk beneath the Water-mark, as to the Commiſſioners, or any Fifteen, or the major Part of them, ſhall ſeem meet.

CLXI. *Sect.* 3. The Commiſſioners, or any Fifteen, or the major Part of them, at ſuch their Meetings, may appoint any Number of Commiſſioners (not leſs than Five) who are hereby impowered to go and view any Locks, Wears, &c. in, on, or near the ſaid Rivers; and likewiſe to view all Towing-Paths and Places proper for the fixing a Water-

Water-mark at all Locks, &c. and to enquire by Information on Oath, (which they are impowered to adminiſter) what Rates or Prices have been formerly paid to, or taken by the Owners or Proprietors of ſuch Locks, &c. as likewiſe by the Owners of Towing-Paths adjoining to the ſaid Rivers, and the ſeveral Sums that are now paid to ſuch Owners from the ſeveral Barge-Maſters navigating the ſaid Rivers; which Informations thus taken, ſhall be ſigned by Five of the Commiſſioners at leaſt, and ſhall be by them brought to, and reported at the next Meeting of the Commiſſioners, who, or any Fifteen, or the major Part of them, ſhall make ſuch Order and Determination therein, as ſhall be juſt.

CLXII. *Sect.* 4. In all Caſes where it ſhall appear by the Informations which are to be taken on Oath, that the Rates which have formerly been, or are now paid to the Owners of Towing-Paths, are the ſame that have been taken by them for the Term of Thirty-five Years, or more, then the like Rates, and no more, ſhall continue to be paid to ſuch Owners of Towing-Paths.

CLXIII. *Sect.* 5. The Commiſſioners, or any Fifteen, or the major Part of them, at ſuch their Meeting, ſhall have Power, and are hereby required to aſſeſs and rate the Prices of the Carriage of all Sorts of Goods, from *London*, Weſtward, to *Cricklade*, and back thence to *London*; or to or from thence to any other Places on the ſaid Rivers, or to or from any Place on the Rivers to any other Place on the ſame, in ſuch Boats, &c. and ſhall forthwith give publick Notice in Writing, to be ſigned by any Fifteen of the Commiſſioners, or the major Part of them, at their Meetings, to the Vice-Chancellor of the Univerſity of *Oxford*, and to the Mayors of *Oxford* and *Reading*, and to the Mayor, Bailiffs, and head Officers of all the Market-Towns ſituate on the Rivers (which publick Notice in Writing thus ſigned, ſhall be immediately hung up in the Place where the ſaid Vice-Chancellor holds his Court; and in the ſaid City of *Oxford* and Towns, in ſome conſpicuous Place there, and of which Notice the ſeveral Owners of Boats, &c. navigating on the ſaid Rivers, are hereby required to take Notice) of the Rates and Prices ſo from Time to Time ſet and aſſeſſed, and of all other Rates and Prices which ſhall hereafter, at ſuch their Meetings, be rated and aſſeſſed by Virtue of this Act; and if any Owner of any Barge, &c. ſhall, within Thirty Days after ſuch Notice, take for the Water-Carriage of any Goods or Merchandizes above the Rates and Prices ſo ſet; or if any Perſons ſhall act contrary to the Rules, Orders, or Conſtitutions which ſhall be made in Purſuance of this Act, every Perſon ſo offending ſhall, for every

Offence, forfeit 5 *l.* over and above the Freight of the Goods, to be recovered by the Party grieved, with double Costs of Suit in any Action of Debt, &c. to be commenced in any Court of Record at *Westminster*, wherein no Essoign, &c. shall be allowed.

CLXIV. *Sect.* 6. Upon Application made to any Three, or more of the Commissioners, if the Matter shall appear to them to want an immediate Redress, they shall, by publick Advertisement by them subscribed in the *London Gazette*, appoint a Time and Place for a General Meeting, to be held within Twenty Days after such Notice, at which Meeting the Commissioners, or any Fifteen, or the major Part of them, shall hear the Subject Matter of the Complaint, or any other Matters which shall then be brought before them, and determine therein as shall be just; and the Person wilfully breaking such Orders as shall be then given, shall forfeit 5 *l.* to be recovered as above.

CLXV. *Sect.* 7. No Commissioner shall sit or act in any Case where he is interested or concerned; and if he do sit or act in such Case, the Act of such Commissioner is hereby made null and void.

CLXVI. *Sect.* 8. On the Death of any Commissioner, the Survivors, or any Fifteen of them, at any Meeting to be appointed for that Purpose, by Instrument in Writing under their Hands and Seals, shall nominate some other Person in his Place, of the same County, under the Title of which the Commissioner so dying was appointed a Commissioner; which new Commissioner shall from thenceforth have the like Power in all Things and Matters aforesaid, as if he had been expressed in the Act; and every such Instrument and Nomination of a new Commissioner shall be recorded with the Clerk of the Peace of the County, for which such Nomination shall be made.

CLXVII. *Sect.* 9. If any Person shall be agrieved by any Rules, Orders, Constitutions, or Assessments made by the Commissioners, it shall be lawful for the Justices of Assise for the County where the Matter of the Complaint arises, on Complaint made by the Person agrieved, within One Year next after the making such Rules, &c. to confirm, vacate, or alter the same, in such Manner as shall be thought most convenient.

CLXVIII. *Sect.* 10. All such Rules, Orders, Constitutions and Assessments, (other than the Rates for Carriage) as shall be made by the Commissioners in Pursuance of this Act, shall be written on Parchment, and sign'd by the Commissioners, and be kept amongst the Records of the Sessions of the Peace of the County within which the same shall be made; and the said Rules, &c. (other than the Rates for Car-

Carriage) ſo ſign'd by the Commiſſioners, or confirm'd or altered on Appeal, ſhall continue in Force from the Making thereof by the Commiſſioners, or the Confirmation or Alteration thereof by the ſaid Juſtices of Aſſiſe, 'till ſome new Order, &c. ſhall be made in the ſame Caſe by the Commiſſioners, or any Fifteen, or the major Part of them; and ſuch new Order, &c. ſhall be ſubject to the like Appeal.

CLXIX. *Sect.* 11. Nothing herein contained ſhall extend to leſſen any Juriſdiction, Power, or Authority, of the Mayor, Commonalty, or Citizens of *London*, or any other Body Politick, or other Perſons whatſoever.

CLXX. *Sect.* 12. Every Barge-Maſter, or the Maſter of any Boat or Veſſel, and the Owner of any Barge, &c. ſhall be anſwerable for any Damage or Miſchief that ſhall be done by his Barge, &c. or the Whole, or any of the Crew of his Barge-men, Boat-men, or Perſons belonging to ſuch Veſſel, either by fiſhing with Nets, or taking or deſtroying of any Game, or to the Locks, Wears, &c. or to any Bridge or Lands, Trees, Meadows, or Grounds, in, on, or adjoining to the River, either Men or Horſes; and the ſaid Barge-Maſters, &c. are hereby made liable to make good all ſuch Damages, &c. and may be ſued for the ſame; and if found guilty, the Plaintiff ſhall not only recover his Damages, but full Coſts of Suit.

CLXXI. *Sect.* 13. The Commiſſioners appointed by this Act, or to be appointed in Purſuance thereof, ſhall be Commiſſioners for putting this Act in Execution in all and every the Counties and Places therein named, and ſhall not be reſtrained in their Actings, to any particular County or Place.

CLXXII. *Sect.* 14. The Commiſſioners, or any Five of them, are to give Notice to the Owners of Piles, or Head-Piles ſet up in or ſo near the Stream of the River *Thames*, that the Paſſage of Boats, &c. is thereby rendered very dangerous, to remove and take up the ſame; and alſo to give Directions where, and in what Place ſuch Piles or Head-Piles ſhall be erected; and if the Owners of ſuch Piles, &c. ſhall neglect to remove the ſame by the Space of Twenty-one Days after ſuch Notice, the Commiſſioners, or any Five of them, are to cauſe the Piles to be removed and taken up.

CLXXIII. *Sect.* 15. Any Three of the Commiſſioners who ſhall live neareſt to the Place, on the Complaint of, and Oath made by any of the Tenants or Occupiers of the Meadows above, that the Water runs over the Water-mark, and that their Meadows are in Danger of being overflow'd by the ſudden Rains, ſhall ſend under their Hands and Seals, a

Warrant directed to the Conſtable of the Pariſh, or ſome neighbouring Pariſh, authoriſing them to give Notice to the Occupiers of the ſaid Locks, &c. of ſuch Complaint; and on their Refuſal to open them, may compel them to open, and keep them open, as Occaſion ſhall require, 'till the Water is ſunk below the Water-mark, and no longer; and if any Damage ſhall be ſuſtained by the Occupiers of the Meadows by the Neglect of the Owners or Tenants of the Locks, &c. after ſuch Notice and Proof on Oath made of the Damages, any Seven, or more of the Commiſſioners, ſhall, at their next Meeting, order ſuch Satisfaction as to them ſhall ſeem juſt; and if any Owner or Occupier of any Locks, &c. ſhall refuſe to pay the Money ſo ordered within Twenty Days after ſuch Order made, they ſhall forfeit 5*l.* over and above the Sums before ordered, to be recovered by the Parties agrieved, with double Coſts of Suit in any Court of Record at *Weſtminſter*.

CLXXIV. *Sect.* 16. It ſhall be lawful for the Commiſſioners, or any Seven of them, by an Order under their Hands and Seals, to cauſe the ſaid Rivers, or ſuch Parts thereof, as to them ſhall ſeem meet, to be cleanſed and ballaſted; and to defray the Charges thereof, they may ſet a Price on the Owners of every Boat, &c. paſſing the Place ſo cleanſed and ballaſted, and appoint a Receiver thereof; and if any Owner of ſuch Boat, &c. ſhall refuſe to pay the ſaid Price, then it ſhall be lawful for any Seven of the Commiſſioners, by Warrant under their Hands and Seals, directed to the Receivers, to levy the ſaid Price on the Goods and Chattles of the Perſon ſo refuſing to pay, and to ſell the ſaid Goods, &c. and deduct thereout the ſaid Price ſo directed to be paid, together with the Coſts and Charges of ſuch Warrant, Diſtreſs, and Sale, rendring the Overplus to the Perſon ſo refuſing to pay.

CLXXV. *Sect.* 17. All Diſputes which concern any Locks, &c. or Towing-Paths, or Lands, in, on, or adjoining to the Rivers of *Thames* or *Iſis*, ſhall be determined; and all Orders to be made in Purſuance of the Powers hereby given, relating to the ſame, ſhall be made at the Market-Town or Borough neareſt to ſuch Locks, &c. and not elſewhere.

CLXXVI. *Sect.* 18. No Commiſſioners ſhall be capable of acting in the Execution of this Act, or any the Powers herein contained, unleſs he be ſeized to his own Uſe, or any Perſon in Truſt for him, of a Freehold Eſtate of 100*l. per Annum*.

CLXXVII. *Sect.* 19. The Act 6 & 7 *W.* 3. *c.* 16. (*which ſee in* Vol. IV. Tit. Thames.) is hereby revived and continued, and all the Clauſes, Powers, &c. therein contained, and not hereby altered, ſhall remain in full Force, as if the ſaid

ſaid Act, and all the Matters and Things therein contained, had been repeated and re-enacted in this preſent Act, except the Proviſo therein mentioned, relating to the Act 21 *Jac.* 1.

CLXXVIII. *Sect.* 20. This Act, and the Acts 21 *Jac.* 1. and 6 & 7 *W.* 3. *c.* 16. ſhall be taken in all Courts of Juſtice, and elſewhere, to be publick Acts, and ſhall be taken Notice of as ſuch, without Special Pleading; and if any Suit ſhall be commenced againſt any Perſon for any Thing done in Purſuance of this Act, or the ſaid Acts 21 *Jac.* 1. and 6 & 7 *W.* 3. the Action ſhall be brought within Six Months after the Fact committed, and ſhall be laid in the County where the Cauſe of Action doth ariſe; and the Defendant may plead the General Iſſue, &c. and on a Verdict, &c. ſhall recover double Coſts.

CLXXIX. *Sect.* 21. This Act ſhall be in Force for Nine Years, to be reckoned from the Firſt of *May*, 1730, and from thence to the End of the then next Seſſion of Parliament.

CLXXX. Stat. 3 *G.* 2. *c.* 13. *Sect.* 1. *Samuel Yeats* of *Minchin-Hampton*, *Thomas Arundell* of *Stroud*, *William Edwards* of *Shurdington*, *William Capel* of *Stroud*, *John Peach* of *Minchin-Hampton*, *Daniel Watkins* of *Biſley*, *Samuel Hawker* of *Rodborough*, *Thomas Bond* of *Stroud*, *Joſeph Cambridge* of *Minchin-Hampton*, Gent. their Heirs and Aſſigns, and ſuch Perſons as they, or any Five of them, ſhall appoint under their Hands and Seals, their Deputies, Agents, Officers, Workmen, and Servants, are hereby authorized at their proper Coſts and Charges, to make the River *Stroudwater* navigable for Barges, Boats, Lighters, and other Veſſels, from the River *Severn*, at or near *Framilode* in the County of *Glouceſter*, to *Wallbridge* near the Town of *Stroud*, in the ſame County, and to continue, maintain, and uſe ſuch Navigation in ſuch Manner as they ſhall think fit: And for the better carrying on, effecting, ſupporting, and continuing thereof, to clear, ſcour, open, enlarge, or ſtreighten the River, or any Streams, Brooks, or Water-courſes, which come, or may be brought into the ſame; and to dig or cut the Banks of the River, and the Streams, &c. for bringing Water into the ſame; and to make ſuch new Cuts, Trenches, or Paſſages for Water, in, on, or through the Lands adjoining, or near to the River, Streams, &c. as they ſhall think proper for Navigation of Boats, &c. or any Ways neceſſary for carrying on and effecting the Undertaking, being the Soil of the King, or of any other Perſon, or Bodies Politick, their Heirs or Succeſſors; and to remove all Trees and other Obſtructions whatſoever, which may hinder the Navigation, either in ſailing or haling of Boats, &c. with Men or Horſes, upon the River, Brooks, &c. and to build, ſet up, and make

over or in the River, Streams, &c. or on the Lands adjoining or near the ſame, Bridges, Sluices, Locks, Wears, Pens for Water, Stanks, Dams, Cranes, Wharfs, Warehouſes, and other Works, where the Undertakers ſhall think convenient; and to alter, repair, and amend the ſame, and to make or widen any Ways, Paſſages, and other Conveniencies, for the carrying of Goods and other Things to and from the River, navigable Paſſages, &c. and for the better conveying of all Manner of Materials for erecting the ſaid Works, and for altering or repairing the ſame, and to lay the ſaid Materials on the Grounds near the Places, where the Works are to be erected, and to amend, heighten, or alter any Bridges, and to turn or alter any Highways near the River, Streams, or Cuts, as may any ways hinder the Navigation; and alſo to make Towing-Paths and ways convenient for towing, haling, and drawing of Boats, &c. paſſing on or through the River, Streams, &c. as the Undertakers ſhall think convenient, and to do all other Matters and Things which they ſhall think neceſſary for the making and maintaining the River, Streams, &c. navigable, and for the Improvement or Preſervation thereof; they firſt giving Satisfaction to the Owner of ſuch Lands, Tenements, Tithes, or Hereditaments, as ſhall be digged, cut, removed, or otherwiſe made Uſe of, or that ſhall be damaged for the carrying on and effecting the Navigation, or for maintaining or managing the ſame, as the Commiſſioners herein after-named ſhall direct and appoint, if the Undertakers ſhall not otherwiſe agree with the Proprietors of ſuch Lands, &c. concerning the ſame.

CLXXXI. *Sect.* 2. By this Clauſe a great Number of Perſons (*whoſe Names are in the Statute at Large*) are conſtituted Commiſſioners for ſettling and determining all Matters about which any difference or Controverſy may ariſe between the Undertakers, &c. and the Proprietors and Occupiers of the ſaid Lands, &c. and any Seven or more of the Commiſſioners, ſhall have Power to interpoſe and mediate between the Undertakers and the Owners, &c. of ſuch Lands, &c. adjoining to or near the ſaid Rivers, Streams, &c. as ſhall be intended to be made uſe of for the carrying on and effecting the Undertaking; and to ſettle and determine what Satisfaction every Perſon ſhall have for ſuch Proportion of his Lands, &c. as ſhall be cut, digged, removed, or made uſe of, and for the Damage that ſhall be thereby ſuſtained; and to adjuſt what Share and Proportion of ſuch Satisfaction, every Tenant, or other Perſon, having a particular Eſtate, Term, or Intereſt in any of the Premiſſes, ſhall have for his Intereſt or Right; and if any Perſons ſhall decline ſuch Mediation, or refuſe to treat or agree, or thro' any

any Diſability by Nonage, Coverture, Special Tail, or other Impediment, cannot treat and agree with the Undertakers, then any Seven of the Commiſſioners are impowered to iſſue out their Warrant under their Hands and Seals, to the Sheriff of the County of *Glouceſter* for the impanelling and returning, and the ſaid Sheriff is required to impanel, ſummon, and return accordingly, a Jury of Twenty-four able and ſufficient Men, qualified by Law to be returned for Trials of Iſſues join'd in his Majeſty's Courts at *Weſtminſter*, to appear before the Commiſſioners, at ſuch Time and Place as by ſuch Warrant ſhall be appointed, on Forfeiture of 50*l.* for every Default in not making ſuch Return; and alſo to return Iſſues upon every Perſon ſo impanelled and returned, not appearing, 40*s.* which ſhall be eſtreated and levied to the Uſe of the Undertakers, by Warrant under the Hands and Seals of any Seven of the Commiſſioners; and if a ſufficient Number of Jurymen ſhall not appear, the Sheriff ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured, to attend that Service, to make up the Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges againſt any of the Jurymen: And the Commiſſioners, by Warrants under their Hands and Seals, are to ſummon and call before them all Perſons as ſhall be thought proper to be examined as Witneſſes before them concerning the Premiſſes; and alſo to order the Jury to view the Places or Matters in Queſtion, as any Seven of the Commiſſioners ſhall think fit; which Jury on their Oaths, to be adminiſtred by the Commiſſioners, (which Oath, as alſo the Oaths to Perſons called upon to give Evidence before them, any Three of the Commiſſioners are impowered to adminiſter) ſhall enquire and aſſeſs ſuch Damages and Recompence as they ſhall think fit to be awarded to the Owners and Occupiers of any Lands, *&c.* as ſhall be uſed for, or damnified by making the River navigable for their reſpective Eſtates and Intereſts therein, by reaſon of their cutting, digging, removing, or otherwiſe uſing any of their Lands, *&c.* or for the Loſs or Damage they ſhall ſuſtain thereby: And any Seven or more of the Commiſſioners ſhall give Judgment for ſuch Sums ſo to be aſſeſſed by ſuch Juries; and ſhall on Oath, and by all other lawful Ways and Means, hear and finally determine all manner of Diſputes and Controverſies which ſhall ariſe between any Perſons touching any Matter or Thing relating to the Premiſſes; which Verdict, and the Judgment or Decree thereupon pronounced by the Commiſſioners, or any Seven or more of them, and the Value and Recompence ſo to be aſſeſſed and decreed, (Notice in Writing being firſt given of the Time and Place

of the Meeting of the Commiſſioners, at leaſt Ten Days before ſuch Meeting, to every Perſon concerned, or being left in Writing at the Dwelling-Houſe of the Party concerned, or at his uſual Place of Abode, or with ſome Tenant or Occupier of ſome Lands, &c. of ſuch Party near the River, in Caſe he cannot be found out to be ſerved with ſuch Notice) ſhall be binding againſt the King and all other Parties, and all others claiming any Title or Intereſt in the ſame Lands, &c. or any Thing thereto belonging, in Poſſeſſion, Reverſion, Remainder, or otherwiſe, as well Infants, Feme Coverts, Tenants in Tail, as others, and their reſpective Heirs, &c. and all claiming by, from, or under them; which Orders, Sentences, or Decrees ſo made, ſhall be ſet down in Writing under the Hands and Seals of the Commiſſioners that ſhall make the ſame, and be kept among the Records of the Seſſions of the Peace for the County of *Gloucester*; all which, or true Copies thereof, ſhall be deemed good and ſufficient Evidence in any Court of Law or Equity; and upon Payment of any ſuch Sums ſo agreed on or aſſeſſed to the Party concerned, or Tender thereof made at his Dwelling-Houſe; or if he have none, then at the Houſe of ſome Tenant or Occupier of ſome Lands or Tenements of ſuch Party near the ſame River; and if on ſuch Tender they refuſe to receive the ſame, then, on Payment thereof into the Hands of ſuch Perſon, as any Seven or more of the Commiſſioners ſhall appoint, for the Uſe of the Parties intereſted, it ſhall be lawful for the Undertakers, their Heirs, Agents, &c. to remove, dig, cut, or uſe ſo much of the ſaid Lands, &c. for which Satisfaction ſhall be ſo aſſeſſed or determined, and thereon to make, erect, or do any Works, Matters, or Things, for the carrying on and effecting the Navigation, and for maintaining the ſame, as the Undertakers ſhall think requiſite, and to have and enjoy the ſame to and for their own Uſe and Benefit; and this Act ſhall indemnify as well the Commiſſioners as the Undertakers, and all Perſons employ'd by them, againſt the ſaid Owners and Occupiers, &c. Provided, that no Commiſſioner ſhall vote or act in any Caſe where he is any Ways intereſted or concerned; or if he hath not an Eſtate in Lands, &c. of the clear yearly Value of 50*l.* or a Real or Perſonal Eſtate together, of the Value of 2000*l.* at leaſt.

CLXXXII. *Sect.* 3. If any Perſon ſummoned to give Evidence, ſhall neglect or refuſe to appear at the Time or Place limited or appointed in the Warrant granted by the Commiſſioners, or appearing ſhall refuſe to be ſworn, and give Evidence, or to be examined by the Commiſſioners, he ſhall forfeit to the Undertakers, for every ſuch Neglect

or

or Refusal 40 *s.* to be levied on his Goods and Chattles by Warrant under the Hands and Seals of any Seven of the acting Commissioners, by Distress and Sale of the Offender's Goods, rendring the Overplus, after deducting the Charges of the Distress and Sale.

CLXXXIII. *Sect.* 4. For supplying the Number of the Commissioners in Case of Death, or any of their Refusal to act, any Thirteen or more of the surviving Commissioners shall, by Instrument in Writing under their Hands and Seals, nominate and appoint some other Person within the same County, having an Estate in Lands, *&c.* of the clear yearly Value of 50 *l.* or a Real and Personal Estate together, of the Value of 2000 *l.* at the least, in the Place of him so dying or refusing to act; which new Commissioners shall from thenceforth have the like Power in all Things relating to the Premisses, as if they had been expressly named in this Act; and every such Instrument and Nomination of new Commissioners shall be recorded by the Clerk of the Peace for the said County.

CLXXXIV. *Sect.* 5. In Consideration of the great Charges and Expences the Undertakers will be at in making the River navigable, and in repairing and keeping up the Locks, Works, and other the Premisses, so to be made and erected, and making them fit and useful for the Navigation, it shall be lawful for them, at all Times hereafter, to demand and take for their own proper Use and Behoof, for all Goods, Wares, Merchandizes, and Commodities whatsoever, which shall be carry'd up or down the River *Stroudwater*, the Rates, Tolls, and Duties therein after-mentioned, at such Places adjoining to the River, as the Undertakers shall think fit, *viz.*

For every Ton-Weight of Coals and Corn, Malt, Grain, or Meal of any sort, carry'd in any Vessel up *Stroudwater*, between the *Severn* at *Framilode*, and *Wallbridge* near *Stroud*, or down the said River between *Wallbridge* near *Stroud*, and the River *Severn* near *Framilode*, any Sum not exceeding 3 *s.* 6 *d.* and so in Proportion for any greater or less Weight, or for a less Distance of Place.

For every Ton-Weight of other Goods, Wears, and Merchandizes, carry'd as aforesaid, any Sum not exceeding 5 *s.* and so in Proportion, *&c.*

And in Case of Neglect or Refusal of Payment, on Demand, of the several Rates and Prices before-mention'd, the Undertakers, or such other Persons as they shall appoint for that Purpose, may sue for the same by Action of Debt, or on the Case, in any Court of Record, or may detain any Goods, or Vessels carrying such Goods, for which the

ſaid Prices ought to be paid, 'till they are ſatisfy'd for the ſame.

CLXXXV. *Sect.* 6. It ſhall be lawful for the Undertakers, their Watermen, Bargemen, and Boatmen navigating on the River *Stroudwater*, and their Helpers and Aſſiſtants, to ſet up, and make uſe of Winches, and other Engines, in convenient Places, and with the ſame, by the Strength of Men, Horſes, or Beaſts going on the Banks or Land near the River, Streams, Cuts, or Watercourſes, to draw up or hale any Barges, &c. without the Interruption or Denial of any Perſon whatſoever.

CLXXXVI. *Sect.* 7. The Owner or Maſter of every Boat, &c. ſhall be anſwerable for any Damage or Miſchief that ſhall be done by his Boat, &c. or any of the Crew, or his Bargemen, Boatmen, or Watermen, to any of the Bridges, Wears, Locks, Dams, or Engines, in, on, or near the River, Streams, Cuts, or Watercourſes, and for any Treſpaſs or Damage that ſhall be done to the Owners or Poſſeſſors of any Lands or Tenements adjoining to the ſame, otherwiſe than is authorized by this Act; and the Maſter, &c. of ſuch Boat, &c. may be ſued for the ſame in any Court of Record; and if found guilty, or a Verdict paſs againſt him, or a Judgment be given againſt him on Demurrer, the Plaintiff ſhall not only recover his Damages, but full Coſts of Suit.

CLXXXVII. *Sect.* 8. The River *Stroudwater*, from the *Severn* at *Framilode* to *Wallbridge* near *Stroud*, or any of the Matters or Things which ſhall be made, erected, or uſed, for making and keeping the River, Streams, Cuts, or Watercourſes navigable, ſhall not be under the Survey of any Commiſſion of Sewers, nor ſubject thereto.

CLXXXVIII. *Sect.* 9. If the Undertakers ſhall raiſe the Water in the River above its ancient and uſual Height, whereby the adjacent Lands or Premiſſes may be more liable to be overflow'd or damaged than they have formerly been, they ſhall, at their own Coſts and Charges, cauſe the Banks of the River to be proportionably raiſed and ſtrengthened in all Places where Need ſhall require, ſo that the new Banks ſhall be able to contain the Waters at ſuch their raiſed Height; and ſhall alſo maintain and repair the ſame Banks as often as there ſhall be Occaſion; and if the Undertakers ſhall make any new Cuts or Trenches, by Reaſon whereof any Perſon ſhall not have convenient Ingreſs or Egreſs into or out of their Lands, &c. then the Undertakers, at their own Coſts and Charges, ſhall erect and maintain ſuch Bridges over every new Cut, as any Seven or more of the Commiſſioners ſhall direct; and in Caſe any Loſs or Damage ſhall hereafter happen to any of the Lands, &c. which

which at this Time is not foreſeen, nor hereby provided for, in ſuch Caſe, if the Parties ſhall not agree the ſame among themſelves, any Seven or more of the Commiſſioners ſhall aſſeſs and decree ſuch Recompence and Satisfaction to be made for the ſame, to the Perſons injured or agrieved, as they ſhall judge reaſonable, in ſuch Manner as for the other Loſſes and Damages herein before-mentioned are provided for, and the Rates and Duties ariſing therefrom, ſhall in the firſt Place be liable to anſwer the ſame, in ſuch Manner as any Seven or more of the Commiſſioners ſhall direct and decree: Provided that the Undertakers ſhall make, ſet up, and maintain convenient Gates and Bridges, Paſſages and Stiles, in all the Hedges and Fences in the Towing-Paths and Ways to be ſet out as above; and ſhall not obſtruct or deſtroy any Bridges, Highways, or Paſſages over the River, Brooks, or Streams, without making or maintaining other Convenience for paſſing the ſame, near the ſaid Places.

CLXXXIX. *Sect.* 10. The River *Stroudwater* ſhall for ever hereafter be taken to be an open, common, and navigable River, from the *Severn* near *Framilode* to *Wallbridge* near *Stroud*, and to be within the Port of *Gloucester*; and all the King's Liege People may enjoy their free Paſſage on the ſaid River, to and from the Places before-mentioned, with Boats, Barges, *&c.* and have all neceſſary and convenient Privileges for navigating the ſame, without any Obſtruction, paying the Duties: Provided, that none of the ſaid Duties, or other Sum of Money or Thing, ſhall be demanded or taken for any Dung, Marl, or other Manure, which ſhall be carry'd on the River, by any of the Owners or Occupiers of any Lands within the Diſtance of Five Miles from the ſaid Rivers, to be uſed for the manuring or improving their Lands, and not otherwiſe.

CXC. *Sect.* 11. If the Undertakers do not begin the Untaking by the Twenty-fourth of *June*, 1732, and finiſh the ſame, in making the *Stroudwater* navigable, according to the Meaning of this Act, by the Twenty-fourth of *June*, 1740, then, immediately after the ſaid Day, it ſhall be lawful for the Commiſſioners, or any Thirteen of them, to appoint ſuch other Perſons to do the ſame, as they ſhall think fit; which Perſons ſo appointed, ſhall, from the Time of ſuch Appointment, have the ſame Powers, Rights, Privileges, and Intereſts for making the River navigable, and doing all Things neceſſary thereto, as the Undertakers may do by Virtue of this Act; and immediately from and after ſuch Appointment, all the Powers, *&c.* of the preſent Undertakers ſhall ceaſe, and be utterly void.

CXCI. *Sect.* 12. No Proprietor or Undertaker ſhall be at Liberty to aſſign his Share or Intereſt, 'till the intended Navigation ſhall be perfected, unleſs Thirteen of the Commiſſioners ſhall, at one of their publick Meetings, grant a Licenſe in Writing for that Purpoſe.

CXCII. *Sect.* 13. All Expences attending ſuch Meetings, and all Coſts and Expences of ſummoning and maintaining the Jury and the Witneſſes, and all other contingent Expences attending the Aſcertaining and Determining the Value of any Lands, or any Damages ſuſtained, ſhall be born and paid by the Undertakers; and Judgment ſhall be given for the ſame by any Seven or more of the Commiſſioners.

CXCIII. *Sect.* 14. If any Perſon, at any Time after the Undertakers ſhall begin to make the River navigable, ſhall ſuſtain any Damage in his Lands, Mills, Waters, Bridges, or other Hereditaments, in, on, or near the ſame River, not otherwiſe herein provided for, either by raiſing the Water to a prejudicial Height, or by turning or lowering the Stream thereof, or by not ſufficiently making up the Banks thereof, or by not cleaning the ſame, or by turning or diverting any other Streams or Brooks that ſhall be brought into the ſame; in ſuch Caſe it ſhall be lawful for any Seven of the Commiſſioners, and they are hereby required, on Complaint made to them by ſuch Perſons, to iſſue their Warrant under their Hands and Seals, to the Sheriff of the County of *Glouceſter*, which he is hereby required to obey under the Penalty aforeſaid, requiring him, at ſome convenient Time and Place, to be expreſs'd in ſuch Warrant, of which Ten Days Notice at leaſt, before the Meeting, ſhall be given, as well to the Undertakers as to the Parties complaining, to return before them, under the Penalty of 40*s.* in Iſſues, a good and ſufficient Jury of Perſons ſo qualified as aforeſaid; and the Jury ſhall, upon Oath (which Oath, as well as an Oath to ſuch Witneſſes as ſhall be produced, any Three or more of the Commiſſioners are impowered to adminiſter) enquire how far the Undertakers have any way occaſion'd ſuch Damage, and ſhall aſſeſs the Damage ſo occaſioned; according to which Verdict and Aſſeſſment, any Seven or more of the Commiſſioners ſhall give Judgment for the Undertakers to pay to the Party agrieved his Damages, with all Coſts and Charges relating thereto; and for ſecuring a Satisfaction for the ſame; if the Undertakers ſhall not (being thereto required) ſatisfy ſuch Damage as ſhall be ſo ſettled, with full Coſts of Suit, within Twenty Days after ſuch Requeſt made, the Commiſſioners may appoint Perſons to receive the Tolls, Rates, and Duties by this Act impoſed, and thereout in the firſt Place to pay all ſuch Damages and Coſts ſo to be

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ſettled and aſſeſſed; and the Monies to be received by ſuch Receivers ſhall be as ſo much Money received to the Uſe of ſuch Proprietors or Perſons ſuffering Damage, as aforeſaid, in Order and Courſe ſucceſſively, as ſuch Determinations ſhall be in Order of Time; and after ſuch Damages and Coſts ſhall be ſatisfied, the Powers of ſuch Receivers ſhall determine.

CXCIV. *Sect.* 15. If the Damage to be ſatisfied out of the Tolls ariſing by the intended Navigation, ſhall not be paid within Three Months after Judgment ſhall have been given as aforeſaid, any Seven or more of the Commiſſioners, on Complaint made by the Perſons ſuffering ſuch Damage, may iſſue their Warrant to the Sheriff of the County of *Gloucester*, to levy on the Goods and Chattels of the Undertakers, the Damages ſo aſſeſſed, and all Coſts and Charges relating thereto.

CXCV. *Sect.* 16. From the Fourteenth of *Auguſt* to the Fifteenth of *October*, in every Year, the Undertakers, or any other Perſons, ſhall not navigate, or uſe the ſaid Navigation, or permit any Boat, Barge, or other Veſſel, to paſs or re-paſs in or through the intended River, nor ſhall ſubſtract or take away, during the ſaid Space of Time, any Part of the Water in the preſent Streams or Brooks, without the Conſent of the major Part of the Occupiers of the Mills thereon, firſt obtained in Writing, to the End the ſaid Mills may not ſuffer any Prejudice or Damage at a Time of ſhort Water. And if any Boat, &c. ſhall be permitted to paſs during the ſaid Space, without ſuch Conſent, the Undertakers ſhall forfeit for every Boat, &c. ſo paſſing or re-paſſing, the Sum of 5*l.* to be levied by Diſtreſs and Sale of the Goods and Chattels of the Undertakers, by Warrant under the Hands and Seals of any Seven or more of the Commiſſioners; one Moiety to the Poor of the Pariſh where the Offence ſhall be committed, and the other Moiety to the Informer.

CXCVI. *Sect.* 17. The Undertakers ſhall be obliged, as any Boat or Veſſel ſhall come up to any Lock on the River, firſt paying the Tolls, to open ſuch Lock for ſupplying ſuch Boat or Veſſel with Flows or Flaſhes of Water; and in Caſe of Refuſal on Demand, the Perſon refuſing ſhall forfeit 10*l.* one Moiety to be paid to the Owner of ſuch Boat or Veſſel, and the other Moiety to the Perſon who ſhall ſue for the ſame within Six Kalendar Months next following, in any of the Courts of Record at *Weſtminſter*.

CXCVII. *Sect.* 18. The Place of Meeting for the Commiſſioners to put this Act in Execution, ſhall be at the *George-Inn* in the Town of *Stroud*, or within Seven Miles of the Place in Queſtion, where any Controverſy doth ariſe.

CXCVIII.

CXCVIII. *Sect.* 19. No Order, Decree, or Determination made by any Part of the Commiſſioners, ſhall be binding, unleſs made at a General Meeting, where Seven of them at leaſt ſhall be preſent at the Time of the making ſuch Order, *&c.* and no ſuch Meeting ſhall be held, except it be by Adjournment of the laſt Meeting, or Court; and if it ſhall happen, that there ſhall not appear at any Meeting which ſhall be appointed by the Commiſſioners, a ſufficient Number to act at ſuch Meeting, and to adjourn to any other Time, then the Clerk of the Commiſſioners ſhall, by affixing publick Notice on the Market-Houſe in the Town of *Stroud*, or on ſome publick Place, as near as conveniently he can, to both Ends of the River, at *Framilad* and at *Wallbridge*, at leaſt Fourteen Days before the next Meeting, appoint the Commiſſioners to meet at the Houſe where the laſt Meeting was appointed to be held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed.

CXCIX. *Sect.* 20. Nothing herein ſhall extend to give any Power to the Undertakers to make any Cut, Trench, or Paſſage for Water, in, on, or through any Houſe, Mill, or Garden incloſed with Walls on the Twenty-fifth of *March*, 1730.

CC. *Sect.* 21. Nothing herein contained ſhall extend to give any Authority to the Undertakers to make any Cut, Trench, or Paſſage for Water, in, on, or through the Houſe, Garden, or Yard of *John Small*, Eſq; at *Wheatenhurſt* in the County of *Glouceſter*, or to cut down any Trees in or on any planted Avenue leading to the ſaid Houſe, or to make or erect any Arch or arched Bridge through or croſs any ſuch Avenue.

CCI. *Sect.* 22. If any Suit ſhall be commenced for any Thing done in Purſuance of this Act, the Perſon ſued may plead the General Iſſue, *&c.* on a Verdict, *&c.* the Defendant ſhall recover his full Coſts.

CCII. *Sect.* 23. This Act ſhall be allowed in all Courts within this Kingdom as a publick Act; and all Judges and Juſtices are required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CCIII. *Sect.* 24. Saving to all Lords, Owners, and Proprietors of all Royalties or Liberties, their Rights and Privileges of Fiſhing and Fowling in and upon the ſaid River, Streams, and Watercourſes.

CCIV. Stat. 3 *Geo.* 2. *c.* 35. *Sect.* 1. If any Perſon ſhall refuſe to pay the Tolls or Duties granted by the (*Private*) 1 G. 1. c. 24. *For making the River* Kennet *navigable from* Reading *to* Newbury, *in the County of* Berks, upon reaſon-

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able Demand, it ſhall be lawful for the Undertakers and Proprietors, or the major Part of them, having ſuch Share or Intereſt in the Navigation as herein after is declared, or any Perſons duly appointed by them, or the major Part of them, by Writing under their Hands and Seals, to ſeize diſtrain, or detain any Boats, Barges, or Veſſels, and the Tackle or Furniture belonging thereto, at the Place of Delivery of their reſpective Cargoes, or any other Place within the Limits of the Navigation; and if the Tolls, &c. be not paid within Five Days next after ſuch Seizure or Detainer, the Perſons making the Diſtreſs may, with the Conſtable or Headborough, or other Officer of the Place where the Diſtreſs ſhall be taken, (who is hereby required to be aiding and aſſiſting therein) cauſe the ſaid Veſſel, Tackle, &c. or a ſufficient Part thereof, to be appraiſed by two Appraiſers, to be appointed by ſuch Conſtable, &c. to appraiſe the ſame truly and indifferently, according to the beſt of their Judgment; and after ſuch Appraiſement may, within Five Days, ſell the ſame, or any Part thereof, for Satisfaction of the Tolls, deducting the Charges for the Diſtreſs and Sale, rendring the Overplus to the Owner.

CCV. *Sect.* 2. Provided, that every of the ſaid Proprietors making ſuch Majority, be actually poſſeſſed of one full Two and Thirtieth Part or Share of the ſaid Premiſſes (the whole being divided into Thirty-two equal Parts or Shares) and that every ſuch Proprietor ſhall have ſo many Votes as he ſhall be poſſeſſed of ſuch Two and Thirtieth Shares, and no more; and the major Part of ſuch Proprietors ſhall act and determine in all Caſes and Things relating to the Navigation, and the carrying on thereof.

CCVI. *Sect.* 3. The Undertakers or Proprietors, or the major Part of them, or any Perſons duly appointed by them, are hereby enabled to ſue for and recover the Tolls or Duties, and all Monies received on Account thereof; and alſo all Monies due to the Proprietors for Wharfage, Warehouſes, Granaries, Lands, or Tenements, belonging to the Proprietors, by Action, Bill, &c. in any Court at *Weſtminſter*, to the Uſe of the Proprietors, wherein no Eſſoign, Imparlance, &c. ſhall be allowed: And it ſhall not be lawful for any of them to releaſe, defeat, or diſcharge the ſaid Action, or the Tolls, &c. thereby ſued for, or any other Action or Demand, without the Conſent of the major Part of them; nor ſhall any ſuch Suit abate by the Death of any of the Undertakers or Proprietors.

CCVII. *Sect.* 4. Every Bargemaſter, or other Perſon, having the Care or Charge of any Barge, &c. navigating on the River, ſhall, on Demand, deliver to the Proprietors, or their Agents, a true and particular Bill, under the Hand

of

of the Party delivering the ſame, of their reſpective Loadings, containing the Quantities, Weights, and Qualities thereof; and in Caſe of Refuſal, or if the Bill be falſe or fraudulent, every ſuch Bargemaſter, &c. ſhall, upon Conviction thereof, in any of his Majeſty's Courts of Record at *Weſtminſter*, by Indictment or Information, forfeit 5 *l.* to the Proprietors, with Coſts of Suit.

CCVIII. *Sect.* 5. In all Caſes where the Sum hereafter adjudged or decreed for Damages, ſhall not exceed 20 *l.* it ſhall be final on the Proprietors of the Navigation without Appeal; but Land-Owners may then appeal in the Manner herein after-mentioned; but in every Caſe where the Sum adjudged for Damages ſhall exceed 20 *l.* it ſhall be lawful for the Proprietors, or any other Perſons who ſhall think themſelves agrieved, to appeal to the Judges of Aſſiſe for the County of *Berks*, who, or one of them, are hereby impowered, in a ſummary Way, to ſummon the Parties, and to iſſue their Warrant to the Sheriff of the ſaid County, to impanel and return a Jury, in like Manner as before the Commiſſioners, by Virtue of the ſaid Act 1 *Geo.* 1. *c.* 24. and of the Act 7 *Geo.* 1. *c.* 8. *For enlarging the Time for making the River* Kennet *navigable*, &c. in Order to try the ſaid Appeal; and after ſuch Trial and Verdict, the ſaid Judge ſhall give Judgment thereon, with ſuch Coſts to either Party, as he ſhall think reaſonable; and the Commiſſioners, or any Seven or more of them, and the Judges of Aſſiſe, are to grant a View to either Party deſiring it.

CCIX. *Sect.* 6. Provided, that every ſuch Appeal be brought at the next Aſſiſes after every Adjudication or Decree ſo appealed from, unleſs ſuch Decree ſhall be made within Twenty Days before ſuch next Aſſiſes; in which Caſe the Party agrieved may appeal to the Judges of the next ſucceeding Aſſiſes; and if the Judges, before whom ſuch Appeal ſhall be brought, ſhall not determine it, then the Judges of the next ſucceeding Aſſiſes ſhall hear and determine the ſame in like Manner.

CCX. *Sect.* 7. Before any ſuch Appeal by the Proprietors be made, the Party making the ſame, ſhall pay to the other Party the Money, which upon every ſuch Decree of the Commiſſioners ſhall be adjudged to him, with the Coſts thereof, the Party receiving the ſame at the Time of the Receipt thereof, giving his Bond to the Appellant in the Sum to be received, for his abiding the Determination of the ſaid Appeal, and refunding ſuch Money, as, upon the Determination of the Appeal, ſhall be ordered to be refunded by him: But no ſuch Appeal ſhall be had, unleſs the Money ſo decreed, and the Coſts thereof, be paid or tendred by

the Proprietors, or their Agents, within Twenty Days after ſuch Decree.

CCXI. *Sect.* 8. No Perſon ſuffering any Damages by Means of the Navigation, ſhall prefer any Complaint, or commence any Proſecution for the ſame, 'till Fourteen Days after a Particular in Writing of the Damage, and the Sum demanded for it, ſhall have been delivered by the Perſon making ſuch Demand to the Proprietors, or their Agents or Servants, taking Charge of the Navigation, to the End the Proprietors may have an Opportunity of making a reaſonable Satisfaction, without a Commiſſion: But if the Complainant ſhall apply to the Commiſſioners, and they ſhall decree as much for the Damage as was demanded by the Perſon making the Complaint, or more than ſhall appear to have been tendred for the ſame, by the Proprietors, their Agents or Servants, within the ſaid Fourteen Days, then the Proprietors ſhall pay Coſts: But if it ſhall appear to the Commiſſioners, that the Proprietors, their Agents, *&c.* had, within the ſaid Fourteen Days, tendred to the Party making the Complaint, as much as they ſhall adjudge for ſuch Damage, and One Fourth Part more than the Sum ſo adjudged, and that it had been refuſed to be accepted by the Complainant; then ſuch Complainant ſhall pay Coſts to the Proprietors, ſuch as the Commiſſioners ſhall think reaſonable; and no Proſecution ſhall be commenced for any Damage hereafter to be done, after Twelve Kalendar Months after the Time when the Damage was pretended to be ſuffered.

CCXII. *Sect.* 9. The Commiſſioners, or any Seven or more of them, ſhall meet together at or near *Aldermaſton* in the County of *Berks*, on the firſt *Tueſday* in every Month of *April*, to receive and mediate Complaints, the firſt *Tueſday* in every Month of *May*, to hear and try Complaints; and the firſt *Tueſday* in every Month of *September*, to receive and mediate Complaints; and the firſt *Tueſday* in every Month of *October*, to hear and try Complaints in every Year, and not oftner, for putting in Execution this and the former Acts: And at ſuch Meetings new Commiſſioners ſhall be appointed, as in the former Act is directed.

CCXIII. *Sect.* 10. If the Commiſſioners ſhall fail to meet at any of the Times before appointed for their Meeting, any one or more of the Commiſſioners, on Application made by any Perſon receiving Damage, may appoint another Meeting at any Time before the next General Meeting, giving Ten Days Notice thereof to the Proprietors, or their Agents.

CCXIV. *Sect.* 11. Every Perſon concerned or intereſted in the Matter or Complaint to be heard or tried before the Commiſſioners, on his Application to any Two of them, ſhall

ſhall have a Summons granted for any Witneſſes to appear before the Commiſſioners, to give Evidence touching the Matter in Queſtion; and if any Witneſs, being duly ſummoned, ſhall not attend and be examined, he ſhall forfeit 40 *s.* to the Party agrieved, to be recovered by Action, *&c.* in any Court of Record at *Weſtminſter*. And if any Witneſs ſhall wilfully or corruptly forſwear himſelf, he ſhall, upon Conviction, ſuffer the like Pains, as if the ſame had been in any of the Courts of Record at *Weſtminſter*.

CCXV. *Sect.* 12. If any Perſon, after the Twenty-fourth of *June*, 1730, ſhall wilfully or maliciouſly cut or make any Breach in any of the Banks of the River, or of any Watercourſe running into or out of the ſaid River, or do any other Matter or Thing whereby the Navigation ſhall be hindred, damaged, or interrupted, or whereby any Lands, Mills, Tenements, or Hereditaments, adjoining or contiguous to the River, ſhall be damaged; or ſhall cut down, burn, deſtroy, or take away any Materials belonging to any Wear, Lock, Sluice, Gate, or Bridge, deſigned for the Uſe of the Navigation, or of the ſaid Lands, Mills, *&c.* or ſhall maliciouſly open, draw up, or ſhut down, any of the Sluices or Hatches in any of the Locks or Turnpikes on the River, whereby the Navigation ſhall be prejudiced, *&c.* or any other Damage done; every Perſon ſo offending, and being thereof lawfully convicted before the Commiſſioners, ſhall make good the Damages ſuſtained thereby, with full Coſts; and the Proprietors, or the major Part of them, and the Owners of ſuch Lands, Mills, *&c.* ſo damaged, may ſue for ſuch Damages by Action, Bill, *&c.* in any of the Courts of Record at *Weſtminſter*.

CCXVI. *Sect.* 13. Occupiers of Lands, Mills, *&c.* who ſhall ſuſtain any Loſs or Damage by the Careleſneſs of the Proprietors Servants, in not keeping their Locks, Turnpikes, Hatches, Sluices, and Gates, ſhut down, when Barges, *&c.* have paſſed the ſame, and not keeping the Bridges and Gates locked, may ſhut down ſuch Locks, *&c.* when the Barges, *&c.* have paſſed or repaſſed the ſame, except in Time of Floods: Provided nevertheleſs, that nothing herein contained ſhall give Power to ſuch Perſons to ſhut down the Locks, *&c.* when they ought to be open for the Uſe of the Navigation; but the Proprietors may hold and uſe their Locks, *&c.* in the ſame Manner as they might hold and uſe the ſame by Virtue of the Act 1 *G.* 1. *c.* 24.

CCXVII. *Sect.* 14. The Proprietors, their Agents, Workmen, *&c.* may remove and take away all Shoals, Shelves, Rubbiſh, and other Impediments in the Chanel of the River *Kennet*, which ſhall at any Time prejudice or impede the Navigation of the River, at any Place between the Hoſpital

in *Newbury* and the River *Thames*, making reaſonable Recompence for ſuch Damage.

CCXVIII. *Sect.* 15. All the Commiſſioners Proceeding in and about the Premiſſes, and all Orders, Sentences, and Decrees ſo to be made as aforeſaid, and all Inſtruments whereby new Commiſſioners ſhall be appointed, and all Orders made by any Judge of Aſſiſe upon Appeals, and all other Proceedings touching any of the ſaid Matters, ſhall be kept amongſt the Records of the Seſſions of the Peace for the County of *Berks*, to which all Perſons ſhall have free Recourſe to inſpect the ſame *gratis*; and may take Copies thereof, or of any Part thereof, paying for every Copy after the Rate of 6*d.* for every Hundred Words; and the ſame, or true Copies thereof, ſhall be adjudged to be good and ſufficient Evidence in any Court of Law or Equity.

CCXIX. *Sect.* 16. If the Owner of any Boat, *&c.* navigating on the River, ſhall ſuffer any Fiſhing-Net, Gun, or Engine, for taking and deſtroying of Fiſh or Game, to be carry'd in ſuch Boat, *&c.* being thereof convicted by the Oath of One or more credible Witneſſes, before Two or more of the Commiſſioners, he ſhall forfeit for every Offence, 5*l.* to be levied by Warrant of the ſaid Commiſſioners, by Diſtreſs and Sale of the Offender's Goods, rendring the Overplus (the Charges of ſuch Warrant, Diſtreſs, and Sale being thereout firſt deducted) to the Owner; one Moiety of the ſaid Forfeiture to be to the Informer, and the other Moiety to the Poor of the Pariſh where the Offender ſhall be convicted.

CCXX. *Sect.* 17. All Damages ſuſtained by Means of the Navigation, before the Twenty fourth of *June*, 1730, ſhall be recovered in the ſame Manner as Damages are directed to be recovered by the ſaid Act, 1 *Geo.* 1. *c.* 24.

CCXXI. *Sect.* 18. If any Action, Bill, Suit, or Information ſhall be brought or proſecuted againſt the Undertakers, in any of his Majeſty's Courts of Record, ſuch Action, *&c.* ſhall not abate by the Death of any of the Proprietors, nor any Advantage taken by Abatement, Demurrer, or otherwiſe, though each and every of the ſaid Proprietors ſhall not be named in ſuch Action, *&c.*

CCXXII. *Sect.* 19. The Receivers (appointed by the Commiſſioners) may receive and recover the Tolls and Duties for paying and ſatisfying the Sums of Money ſo aſſeſſed for Damages and Coſts thereof, in the ſame Manner, and by and under the ſame Powers, as the ſaid Tolls and Duties may be had and recovered by the Proprietors, by Virtue of the Act 1 *Geo.* 1. *c.* 24.

CCXXIII. *Sect.* 20. The Proprietors ſhall, at their own Coſts and Charges, erect and maintain ſuch ſufficient Bridges, Gates, and Stiles in the Towing-Paths, uſed for the Navigation, as by any Seven, or more of the Commiſſioners, ſhall be directed.

CCXXIV. *Sect.* 21. No *Certiorari* ſhall lie or be granted by any Court, to remove any of the Proceedings of the Commiſſioners, or other Proceedings had by Virtue of this Act, or of the Act 1 G. 1. *c.* 24.

CCXXV. *Sect.* 22. If any Owner or Occupier of any Lands, affected by Floods, ſhall apply to the Proprietors, their Servants, *&c.* to open and draw the Lock, called, *The County Lock*, ſituate near *Reading*, on the River *Kennet*, and the ſaid Proprietors, *&c.* ſhall refuſe or neglect ſo to do, then ſuch Owner or Occupier of Lands, his Servants, *&c.* may open, draw, and keep open the ſaid Lock 'till the Water ſhall be drawn thereby down to the laſt Mark ſet and affixed at the ſaid Lock, by the late Commiſſioners of Sewers for that Purpoſe.

CCXXVI. *Sect.* 23. This Act ſhall be deemed, in all Courts and Places within this Kingdom, to be a publick Act; and all Judges, Juſtices, and others, are required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Salt.

I. Stat. 11 *Geo.* 1. *c.* 30. *Sect.* 39. IF any Proprietor of Salt, or his Agent, ſhall, after the Twenty-fourth of *June*, 1725, deliver over to any Perſon, any Quantity of Salt which he ſhall have received from the proper Officer of the Duties on Salt, ſuch Proprietor, or his Agent, ſhall, by Oath or otherwiſe, make it appear, to the Satisfaction of the proper Officer, that ſuch Salt ſo parted with, or delivered over to any Perſon, was by him uſed in curing of Fiſh, according to the Intent of the Act 5 *Geo.* 1. *c.* 18. *For recovering the Credit of the* Britiſh *Fiſhery in Foreign Parts, and for better ſecuring the Duties on Salt*; and in Default thereof, every Proprietor, or his Agent, ſhall be adjudged guilty of Imbezilment and Miſapplication of ſuch Salt, and ſhall, for every ſuch Offence, forfeit 50*l.* Sterling.

II. Stat. 13 *Geo.* 1. *c.* 5. For encouraging the Curing of Fiſh caught on the Coaſts of *Penſilvania*, It ſhall be lawful, after

after the Twenty-fourth of *June*, 1727, for any of his Majeſty's Subjects to carry and import Salt from any Part of *Europe*, into the Province of *Penſilvania* in *America*, in *Britiſh* Ships and Veſſels, manned and navigated according to the Act 12 *Car.* 2. *c.* 18. *For the Encouragement and Increaſing of Shipping and Navigation* (which ſee in Vol. III. Tit. Ships).

III. Stat. 3 *Geo.* 2. *c.* 12. After the Firſt Day of *June*, 1730, it ſhall be lawful for any of his Majeſty's Subjects, to carry and import Salt from any Part of *Europe*, into the Colony of *New York* in *America*, in *Britiſh* Ships and Veſſels, manned and navigated according to the Act 12 *Car.* 2. *c.* 18. *For the encouraging and increaſing of Shipping and Navigation*; and in the ſame Manner as Salt may be imported from *Europe* into *New England* and *Newfoundland*, by the Act 15 *Car.* 2. *c.* 7.

IV. Stat. 3 *G.* 2. *c.* 20. *Sect.* 1. After the Twenty-fifth of *December*, 1730, the Duty of One Penny Half-penny *per* Gallon on Salt and Rock-Salt, made at the Salt-Works, or taken out of any Pits within this Kingdom, which was granted by the Act 5 & 6 *W & M. c.* 7. and is ſince made perpetual; and alſo all the additional Duties on Salt, whether imported from Foreign Parts or Home-made, which were granted by the Act 9 & 10 *W.* 3. *c.* 44. ſhall ceaſe, determine, and be no longer paid or payable; and from thenceforth all the Powers given by any Acts of Parliament for the levying, ſecuring, collecting, and recovering the ſame; and all Penalties and Forfeitures relating thereto, and all Proviſions, Regulations, or Reſtrictions relating to the Importing or Bringing of Salt made in *Scotland*, into *England*, without paying the ſaid additional Duty on Salt, ſhall ceaſe, and not be put in Execution; and from thenceforth the Right or Demand of any Perſons in Purſuance of the ſaid Acts, on their exporting beyond the Seas any Salt, for which the Duties have been ſecured or paid, to have the Securities for the ſame diſcharged, or the Monies paid for the ſame repaid, ſhall alſo ceaſe and determine as to ſo much of ſuch Securities or Payments, as were given or made for any of the Duties by this Act to be determined; and no Drawback on Account of ſuch Duties ſo ſecured or paid before the Twenty-fifth of *December*, 1730, (except for the Duty of Three Pence *per* Gallon on Foreign Salt impoſed, by the ſaid Act 5 & 6 *W. & M. c.* 7. ſhall be made or allowed on any Salt exported beyond the Seas after that Time.

V. *Sect.* 2. Nothing in this Act ſhall extend to determine the Duty of Three Pence *per* Gallon on Salt, not of the

Product or Manufacture of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, granted by the ſaid Act 5 & 6 *W.* & *M.* and ſince made pepetual; nor extend to determine or make void any the Proviſions, Rules or Directions made or given by the ſaid Acts, and now in Force for Payment of the ſame Duty by the Importers of ſuch Foreign Salt, upon the Entry thereof, or for preventing the Landing thereof before ſuch Entry made, or the ſecuring the ſame by Bond with ſufficient Sureties, or for allowing the Diſcounts on paying the Duty in ready Money, or for Allowances for Drawbacks of the Duties paid or ſecured on the re-exporting the ſame for Foreign Parts, or for making good any Loſſes or Accidents that may happen in ſuch Salt, after ſhipping the ſame for Exportation to Foreign Parts, or to be carry'd Coaſtwiſe, or for aſcertaining the Weight in each Buſhel, by which the ſaid Duty ſhall be computed, or to determine or make void any former Act or Clauſe relating to Ships or Veſſels laden with Foreign Salt, found hovering on the Coaſt, or relating to ſuch Salt exported to *Ireland*, and landed there; but every one of them ſhall remain, and be in as full Force as they now are, or would be, if this Act had not been made, or as if the ſame had been particularly repeated and re-enacted in the Body of this Act.

VI. *Sect.* 3. The Duty of Three Pence *per* Gallon on Foreign Salt ſhall extend only to ſuch Salt, as is not the Product and Manufacture of ſome Part of the whole United Kingdom of *Great Britain*; and all Salt of the Product or Manufacture of *Scotland* ſhall be exempted from the ſaid Duty, as well as Salt of the Product or Manufacture of *England* is exempted from the ſame, by the Deſcription of the Duty in the ſaid Act 5 & 6 *W.* & *M* *c.* 7. which originally granted the ſaid Duty.

VII. *Sect.* 4. Nothing herein ſhall extend to determine or make void any Penalties or Forfeitures inflicted or impoſed by any former Acts now in Force, for any Offences in the landing of Foreign Salt before Entry, or for any other Frauds or Abuſes upon the re-exporting the ſame, in Relation to the Drawbacks of Duties which had been before paid upon the firſt importing the ſame, and afterwards relanding the ſame in any Part of *Great Britain* clandeſtinely, or for any other Offences againſt the ſaid Acts, in Relation to the ſame Duty, nor to alter any Proviſions now in Force, for the Diſtribution of the ſaid Penalties and Forfeitures between his Majeſty and the Informers, or the Method of ſuing for or recovering the ſame; ſave only that after the Twenty-fifth of *December*, 1730, the Proviſions of ſuing for, recovering, receiving, or mitigating the ſame,

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by the ſame Means, Rules, and Methods, as any Penalty or Forfeiture is to be ſued for, or recoverable by any Laws relating to the Excife, ſhall ceaſe and determine; and from thenceforth they ſhall be ſued for, &c. for any Frauds or Offences that ſhall be committed in *England*, by Action of Debt, &c. in any of his Majeſty's Courts of Record at *Weſtminſter*, and for any Frauds or Offences that ſhall be committed in *Scotland*, in the Court of Exchequer at *Edinburgh*; wherein no Eſſoign, &c. ſhall be allowed, or more than one Imparlance.

VIII. *Sect.* 5. Where any Proviſions are made by former Acts, for ſuing for, proſecuting or recovering any Penalties or Forfeitures for any Offences or Frauds in Relation to the ſaid Duties before any Two or more Juſtices of the Peace, the ſame Powers or Proviſions ſhall continue in Force, and be put in Execution, in Relation to the Duty of Three Pence *per* Gallon on Foreign Salt.

IX. *Sect.* 6. Nothing in this Act ſhall extend to acquit or diſcharge any Importers, Makers, or Proprietors of Salt, or Rock-Salt, from any Duties due, or to grow due, for Salt imported, or Rock-Salt taken out of the Pits, or Salt made and removed before the Twenty-fifth of *December*, 1730, or any Securities for the ſame, or any Penalties or Forfeitures incurred, or to which any Perſon was, or ſhall become liable, or any Frauds or Offences in Relation to the Duties, before that Time; but they ſhall remain due, payable, ſuable for, and recoverable, as they would have been if this Act had not been made.

X. *Sect.* 7. It ſhall be lawful for the Commiſſioners of the Treaſury, or any Three or more of them, to continue or appoint, for ſome reaſonable Time, not exceeding Eighteen Months after the ſaid Twenty-fifth of *December*, 1730, ſuch and ſo many Officers of the Salt-Duties, or other Perſons, as ſhall be neceſſary for the getting in, receiving, and accounting for the Duties on Salt hereby determined, or any Arrears or Securities for the ſame, which may be due at or after the ſaid Twenty-fifth of *December*, and for recovering the Penalties and Forfeitures incurred before that Time, with ſuch reaſonable Allowances for the ſame, as may be thought neceſſary.

XI. *Sect.* 8. Nothing in this Act ſhall extend to repeal, determine, or make void all or any of the Bounties or Allowances directed to be paid on the Exportation of Fiſh from *Great Britain* out of the Duties on Salt, by the Act 5 *G.* 1. *c.* 18. *For recovering of the Credit of the* Britiſh *Fiſhery in Foreign Parts, and for better ſecuring the Duties on Salt*, but the ſame ſhall continue to be paid on all Fiſh exported, in ſuch Manner, and upon ſuch Terms, and under ſuch Regulations,

Rules, and Inſtructions, as they would have been payable, if this Act had not been made, or any of the Duties on Salt had not ceaſed and been determined.

XII. *Sect.* 9. Saving only as to ſuch Bounties and Allowances, as after the ſaid 25th of *December* 1730, ſhall become due or payable for Fiſh cured in, and exported from any Port in *England*, *Wales*, or *Berwick*; which Bounties, *&c.* ſhall be paid out of the Monies ariſen or to ariſe for Salt, remaining in the Hands of the Collectors of the Duties on Salt, or Cuſtoms, in the Port where ſuch Fiſh was exported, or, in Default thereof, out of the Monies ariſen or to ariſe, and remaining in the Hands of the Collectors of the Cuſtoms or Subſidies, out of which the Bounties or Allowances for Corn or other Grain exported, are now by Law payable; and if the Collectors of the Cuſtoms or the Duties on Salt, in any Out-Port in *England*, &c. ſhall not have Monies ſufficient in their Hands to pay the ſaid Bounties ariſing by the Duty of 3 *d. per* Gallon on Foreign Salt, or by Monies ariſing by Cuſtoms, out of which the Bounties on Corn exported are payable, then ſuch Collectors ſhall give to the Exporter (without Fee) a Certificate under his Hand, atteſted by the Controller of the ſame Out-Port, of what is due to ſuch Exporter for the Fiſh exported from ſuch Out-Port, certifying to the Commiſſioners of the Cuſtoms in *London*, That he hath not Monies in his Hands ſufficient to pay the ſame; which Certificate being affixed to the Debenture for the Fiſh ſo exported, and being produced to the ſaid Commiſſioners at *London*, they are hereby required, on Demand by the Perſon who ſhall bring the ſame, to cauſe the Monies thereby due, to be paid in three Months by the Receiver General or Caſhire of the Cuſtoms (without Fee) out of ſuch Monies in his Hand, ariſing by the Duty of 3*d. per* Gallon on Foreign Salt, or by ſuch Cuſtoms or Duties as are chargeable, with the Payment of the Bounty for the Exportation of Corn or Grain, in like Manner as the Debentures for the Bounty on Corn or Grain exported are now payable: And as to ſuch of the ſaid Bounties and Allowances as ſhall become due for Fiſh cured in, and exported from any Port in *Scotland*, the ſame ſhall continue to be paid in the ſame Manner, and out of the ſame Duties and Revenues ariſing in that Part of the United Kingdom, as the ſame are now payable by any Law now in Being.

XIII. *Sect.* 10. As to ſuch of the Duties heretofore granted on Foreign Salt imported, and not by this Act determined, the ſame Liberty of importing it, for the Uſe of the *Britiſh* Fiſhery, free from the Duty of 3*d. per* Gallon, and the ſame Powers and Obligations for locking it up, delivering, and accounting for it for the curing of Fiſh to be exported, and the ſame Penalties and Forfeitures for any Offences therein,

as

as were granted or enacted by the ſaid Act 5 *G* 1 *c.* 18. and the ſame Means and Methods for executing, ſuing for, proſecuting and recovering the ſame, except only what relates therein to the Laws of Exciſe, ſhall continue in Force in as ample Manner, as they would have been if this Act had not been made.

XIV. *Sect.* 11. After the ſaid 25th of *December* 1730, the Management of the levying, collecting, receiving, recovering, or ſecuring the Duty on Foreign Salt imported, hereby continued, ſhall be under the Care of the Commiſſioners and Officers of the Cuſtoms, in the ſame Manner as the Cuſtoms or Duties ariſing by the Act of Tonnage and Poundage, 12 *Car.* 2 *c.* 24. Or by any other Law relating to the Cuſtoms, are managed, levied, collected, or accounted for; the neceſſary Charges of Management being firſt deducted.

XV. *Sect.* 12. Such Commiſſioners of the Cuſtoms, or their under Officers, as ſhall be in the Poſſeſſion of their Offices at the Time when the ſaid Duties ſhall firſt come under their Management, ſhall not on that Account only be obliged to qualify themſelves again as the Laws require all Perſons to do, that accept of any new Office or Place of Profit or Truſt under the Crown, ſo as they have, before that Time, duly qualified themſelves for the Offices they ſhall then be in Poſſeſſion of; nor ſhall they be liable to any Penalties, Forfeitures or Diſabilities, for their omitting the ſame on that Occaſion.

XVI. *Sect.* 15. After the 25th of *December* 1730. The Allowance of 5 *s. per* Barrel on the Exportation of ſalted Beef or Pork exported for Sale, from any Part of *Great Britain* to Parts beyond the Seas, ſhall be reduced to an Allowance of 1 *s.* 6 *d. per* Barrel, and no more, on all Beef or Pork ſalted with Foreign Salt only, without any Mixture of Britiſh or Iriſh Salt, to be paid out of the ſame Duties and Revenues, and in the ſame Manner, as the Bounties on Fiſh exported are before directed to be paid.

XVII. *Sect.* 16. After the 25th of *December* 1730, the Duty of 5 *s. per* Wey on Foreign Salt imported, (except ſuch Salt as ſhall be uſed for curing of Fiſh) which Duty was impoſed by the Act 4 & 5 *W.* & *M. c.* 5. Shall be paid and accounted for in like Manner, and ſubject to the ſame Rules and Regulations, as the ſaid Duty of 3 *d. per* Gallon on Salt, ſhall be paid and accounted for by this Act.

XVIII. *Sect.* 17. After the ſaid 25th of *December*, no Foreign Salt, ſhall be imported from Parts beyond the Seas, in any Ship or Veſſel of leſs Burthen than forty Tuns, and in Bulk only (except for the neceſſary Proviſions of the Ship) on Pain of forfeiting the Salt, and double the Value.

XIX. *Sect.* 18. Nothing herein contained ſhall extend to repeal, determine or any Ways alter the Powers granted by the Act 9 & 10 *W.* 3. *c.* 44. to the Lord Mayor and Aldermen of *London*, and the Juſtices of the Peace in their ſeveral Counties throughout *England*, to ſet the Rates and Prices at which Salt ſhall be ſold; but the ſame ſhall continue in full Force and Effect, the Determining any of the Duties on Salt, or any other thing herein contained to the contrary notwithſtanding.

XX. *Sect.* 19. No Proſecution or Action ſhall, after the 25th of *March* 1731, be brought or commenced by any Perſon, againſt any Officer or other Perſon imployed in the Revenue of the Salt-Duties, for any thing by him done in the Execution of his Office in the ſaid Revenue.

XXI. *Sect.* 25. If any Perſon ſhall be Sued or Proſecuted for any Thing done in Purſuance of this Act, or any of the before recited Acts, he may plead the General Iſſue, and give this or any of the recited Acts in Evidence for his Defence; and if upon a Trial a Verdict paſs for the Defendant, or if the Plantiff ſhall be Non-ſuited, the Defendant ſhall have treble Coſts.

XXII. *Sect.* 26. In Conſideration of the Duty paid, or ſecured to be paid for 966 Buſhels of Rock-Salt, loſt by the High Tides, or overflowing of the River *Mercy* in the County of *Lancaſter*, belonging to *Matthew Page* of *Warrington*, in the ſaid County, Deceaſed, it ſhall be lawful for *Matthew Lyn* of *Warrington*, Executor and Repreſentative of the ſaid *Matthew Page*, to export or diſpoſe of ſo much Rock-Salt Duty-free, as the Duties paid, or ſecured to be paid for the ſaid 966 Buſhels, did amount unto.

Scotland.

Ale.

I. Stat. 12 G. 1. *c.* 4. *Sect.* 56. To obviate a Doubt that may ariſe upon the Conſtruction of the 7th Article of the Treaty of Union (which provides that the Barrel of Ale ſold in *Scotland* by the Brewer at 9 *s.* 6 *d.* Sterling, excluding Duties, and retailed, including Duties, and the Retailers Profits at 2 *d.* the *Scots* Pint, ſhall not after the Union, be liable on Account of the Exciſe then in Being, to a higher Duty than 2 *s.* for each Barrel) whether the Brewer and Retailer may take a higher Price for the ſaid Ale, in Proportion as the Duty now granted on Malt may raiſe the Price of the ſaid Commodity, without being liable to a higher Exciſe, than that limited by the 7th Article

of

of the Treaty of Union; It is hereby Enacted and declared, That Ale brewed in *Scotland*, during the Continuance of the Duty of 3 *d.* a Buſhel on Malt, and of the ſame Goodneſs and Quality, which was deſcribed in the ſaid Article of the Treaty of Union, ſhall be chargeable with no higher Exciſe, in Conſideration of the Duty of Exciſe that took Place at the Time of the Union, than 1 *s.* Sterling for each Barrel, though the ſaid Ale ſhall, in Conſideration of the Malt-Duty, be ſold by the Brewer, at 10 *s.* 6 *d. per* Barrel, and by the Retailer at two Pence, and two Penny *Scots*, or one 6th Part of a Penny Sterling the *Scots* Pint: And it ſhall be lawful for the Brewers and Retailers of ſuch Ale to ſell and retail the ſame at the ſaid Prices, without being liable to any further or higher Duty.

Bail.

II. Stat. 11 G. 1. *c.* 26. *Sect.* 11. Whereas it hath been found by Experience, that the Sums, for which Bail is to be taken on any Criminal Information in *Scotland*, in Purſuance of the Act made there in the Year 1701, entituled, *An Act to prevent wrongous Impriſonment, and againſt the Delays in Tryals*, are too ſmall and diſproportioned to the Danger of Criminals eſcaping from the Puniſhment appointed by Law, extending no higher than to the Sum of 6000 Marks for a Nobleman, 3000 Marks for a Landed Gentleman, 1000 Marks for any other Gentleman or Burgeſs, and 300 Marks, all Money of *Scotland*, for every other Inferior Perſon; Therefore it is enacted, That after the firſt of *June*, 1725, It ſhall be lawful for all Magiſtrates, Judges, and Courts of Judicature in *Scotland*, who, by the above recited Act, were, in Caſe of Criminal Informations and Accuſations, directed to limit the Bail by them to be taken to the ſeveral Sums above mentioned, to extend the Bail to be given in the reſpective Caſes to double the Sums provided by the ſaid Act, if they, upon the Circumſtances of the Caſe, ſhall think fit.

Court of Seſſion.

III. Stat. 3 G. 2. *c.* 32. *Sect.* 1. It ſhall be lawful for the Judges of the Court of Seſſion in *Scotland*, to make an Adjournment of their Seſſions on ſuch Day, between the 15th of *December* and the 15th of *January*, yearly, and for ſuch Times as they ſhall judge moſt convenient, not exceeding the Space of ten Days.

Criminals.

Criminals.

IV. Stat. 11 G. 1. *c.* 26. *Sect.* 10. To the end that no Perſon, who ſhall be convicted before any Civil Magiſtrate, or Court of Judicature, in *Scotland*, of any Crime, importing a Capital, or any other Corporal Puniſhment, may be grieved by the over-haſty Execution of ſuch Sentence, without allowing Time for Application to his Majeſty, for his gracious Pardon, it is enacted, That, after the firſt of *June*, 1725. No Sentence or Judgment of any Civil Magiſtrate, or Court of Judicature, importing a Capital or any Corporal Puniſhment, if pronounced in *Edinburgh*, or any other Part of *Scotland* to the Southward of the *Frith*, or River of *Forth*, ſhall be put in Execution within leſs than thirty Days after the Date of ſuch Sentence; and if pronounced in any Place to the Northward of the *Frith*, or River of *Forth*, within leſs than forty Days after the Date of ſuch Sentence: Provided nevertheleſs, That nothing herein contained ſhall hinder or diſable the Courts of Judicature, or any other Civil Magiſtrate within *Scotland*, to commit to Gaol, and detain in Cuſtody, in Order to Tryal, or to the Execution of Sentences, as they by Law might have done before the making of this Act.

V. *Sect.* 12. And whereas for want of a ſufficient Fund for defraying the Charges of apprehending Criminals in *North-Britain*, and of ſubſiſting them when apprehended, till Proſecution, and of carrying on the neceſſary Proſecution againſt them, it often happens, that Criminals eſcape the Puniſhment due to their Offences; for preventing of which Inconvenience for the Future, it is enacted, That it ſhall be lawful for the Freeholders of every Shire, County, or Diſtrict in *North-Britain*, to aſſeſs the ſeveral Shires or Stewartries, where their Eſtates lie, at their Meetings at any of the Head Courts, yearly, in ſuch Sums as they ſhall judge reaſonable and ſufficient for the ſaid Purpoſes; and the Monies ſo aſſeſſed, ſhall be collected and accounted for by ſuch Perſons, and in ſuch Manner, as the Freeholders ſhall appoint, and ſhall be applied for defraying the Charges of apprehending of Criminals, and of ſubſiſting them in Priſon till Proſecution, and of proſecuting ſuch Criminals for their Offences, by due Courſe of Law, and to no other Uſe whatſoever.

VI. Stat. 3 G. 2. *c.* 32. *Sect.* 2. After reciting the above Clauſe in 11 G. 1. *c.* 26. and that whereas the Maintenance and ſecuring in Gaols all Criminals convicted and adjudged to ſuffer any Corporal Puniſhment, for ſo many Days after Judgment given, hath been found burthenſome to Burghs, and

other

other his Majeſty's Subjects, and a Diſcouragement to the apprehending and puniſhing Offenders; Therefore it is enacted, That after the 24th of *June*, 1730, it ſhall be lawful for all Magiſtrates and Courts of Judicature to put in Execution any Judgment or Sentence, importing any Corporal Puniſhment leſs than Death, or Diſmembring, if given or pronounced in any Part of *Scotland* to the Southward of the *Frith*, or River of *Forth*, after the elapſing of eight Days; and if given or pronounced in any other Place, to the Northward of the ſaid *Frith*, or River of *Forth*, after the elapſing of Ten Days from the Date of ſuch Judgment or Sentence.

VII. *Sect.* 3. The Judges of the Court of Juſticiary, or any of them, who are hereby ſeverally authorized, upon Application made, and reaſonable Cauſe ſhewn to them, by any Perſons who ſhall find themſelves agrieved by any ſuch Sentence or Judgment, given or pronounced by any Court of Regality, or other inferior Civil Magiſtrate, or Court of Judicature, to ſtay all Execution of ſuch Judgment or Sentence for the Space of thirty Days, to the End that ſuch Application may be made for Redreſs, as is agreeable to the Laws of *Scotland*.

Edinburgh.

VIII. Stat. 1 G. 2. *Seſſ.* 2. *c.* 22. The Preamble recites, That whereas by the Acts 3 G. 1. *c.* 5. and 9 G. 1. *c.* 14. It is enacted, That certain Dues, commonly known by the Name of *Petty-Port Cuſtoms*, payable at the Ports of *Edinburgh*, ſhould be diſcontinued and ceaſe, and that whereas ſeveral Doubts, Difficulties and Diſputes have ariſen touching the meaning of the ſaid Clauſe, by Reaſon that the Petty-Port Cuſtoms intended thereby to be diſcontinued, are not therein particularly ſpecified, ſo as to diſtinguiſh them from ſuch other Parts of the Petty Cuſtoms belonging to that City, as were not intended by the Clauſe in the ſaid Acts, to be diſcontinued; Therefore, for explaining thereof, it is Enacted,

Sect. 1. That ſuch Parts of the ſaid Petty-Port Cuſtoms, to be ſo diſcontinued, ſhall be, and are hereby limited and reſtrained to the Cuſtoms uſually levied and collected at any Gates or Avenues of the City of *Edinburgh*, for ſuch Ale, Beer, Wines, Spirits and Foreign Liquors, as ſhall be brought in there for private Uſe, and not for Sale, and for all manner of Vivers, all Grain, great or ſmall, of any kind, and for all Hay, Graſs, Straw, Lint, Lintſeed, and Rapeſeed, of the Growth of *Great Britain*, and Wool, and Wool manufactured, Skins and Hides, dreſſed and undreſſed, and for Linen Cloth of all Sorts, being the Produce of *Great Britain*, and for Meal, and Cheeſe, and for all Stone, Lime, Timber, and all other

other Materials for Building, all Coals, Peits, Turfs, Tallow, and all manner of Houſehold Furniture, which ſhall be brought into the ſaid City, or Liberties thereof, by Horſes, Carts, Carriages, Sledges, Slypes, or any other Manner of Way.

IX. *Sect.* 2. If any Perſon ſhall preſume to demand or take any Duty for any of the Goods herein before ſpecified, (except as is herein after exepted) and be thereof lawfully convicted before any Judge competent, he ſhall forfeit and pay 20 *s. Sterling* to the Owner of ſuch Goods.

X. *Sect.* 3. Nothing herein ſhall extend to prevent or prejudice the Payment of the Duty called, *The Cawſey Mail*, or Duty on ſhod Carts, payable to the ſaid City, and alſo all Duties chargeable on all Ale, Beer, Wines, Spirits, and Foreign Liquors, which are for Sale, and all Duties chargeable upon all Coals, Peits, Turfs, and Timber to be imported or brought in from *Leith*, into the ſaid City or Liberties thereof by Carts, Sledges, or Slypes; and alſo all Duties chargeable upon Hearſes, and Hackney-Coaches; and upon all Sugars, Tobacco, and Soap; and the Duties chargeable upon all Timber, Lint, Lintſeed and Rapeſeed, not of the Produce of *Great Britain*; and on all Hemp, Iron, Tar, and other Foreign Commodities, which ſhall be brought in on Carts, Sledges, or Slypes, Horſe-Burthens, or any other manner of way whatſoever, into the City, or Privileges thereof, from every Place, and the Duties on all Goods whatſoever; other than there particularly exempted from the ſame, as before mentioned, which ſhall be brought in on Carts, Sledges, or Slypes, into the City, or Liberties thereof, by any Perſon, who is a Common Carter; and the City ſhall continue to enjoy and receive the other Cuſtoms and Duties to them belonging, *viz.* The Meal and Corn-Market Cuſtoms, the Fiſh-Market Cuſtoms, and Board-Mails, the Fruit-Market Cuſtoms, the Poultry and Bread-Market Cuſtoms, Stand and Board Mails, the Lard Cloth-Market, and Land Fleſh-Market Cuſtoms, the Dues and Cuſtoms of the Tallow, Iron, Weighage, the Cuſtoms charged on all ſorts of Cattle at the Houſe of the *Muir*, and Sheep Flaikes, the Cuſtom of one Mark upon each Pack of all Foreign Goods, the Cuſtom of Buſh Mail for all Timber, and other Goods, brought into the Timber Hoffor, *Burkat Leith*, the Shore Dues, one Mark *per* Ton of Goods, and other Duties payable for all Goods imported to, or exported from the Harbour of *Leith*, the Duties and Cuſtoms payable for Weighage and Layage, and of all Goods weighed or lodged in the Weigh-Houſes of *Edinburgh* or *Leith*, the Market Cuſtom for Leather, and the Import or Duty on Wines, Spirits, or Foreign Liquors, with all other Duties and Cuſtoms belonging to the ſaid City, not hereby expreſly

expreſsly diſcontinued; and the ſaid ſeveral Duties and Cuſtoms laſt mentioned, ſhall remain and be paid in ſuch Manner, and by ſuch Means and Methods, as they were made payable before the paſſing of this, or the above in Part recited Acts.

XI. *Sect.* 4. After the 5th Day of *June* 1728, it ſhall be lawful for the Managers or Directors of the general charitable Fund or Stock for the Relief of ſuch Perſons as ſhall ſuffer by Fire in *Edinburgh*, and the Suburbs and Liberties thereof, to receive from ſuch Perſons as have ſigned, or ſhall hereafter ſign or enter into Articles or Covenants to contribute to the ſaid general Fund, Bonds carrying Intereſt, payable to ſuch Perſon as ſhall be appointed Caſhire to the Contributors, and his Succeſſors in the ſaid Office, for ſuch Sums of Money as have been, or ſhall be contributed by Perſons who have ſigned the Articles for the ſaid general charitable Fund; and the Caſhire ſhall, with all convenient Speed, deliver or tender ſuch Bonds to the Office, kept by the Clerk or Keeper of the Regiſter for Seizins within *Edinburgh*, who is hereby required to regiſter ſuch Bonds, and to deliver the ſame duly regiſtred, within twenty-four Hours after ſuch Bonds are offered at the Regiſter-Office, with a Certificate on the Back of each Bond duly Signed by the Clerk or Keeper of the Regiſter mentioning the Day and Time of the Day, ſuch Bond ſhall be regiſtred, and alſo the Book and Page of the Book, where each Bond is regiſtred or recorded: And ſuch Clerk or Keeper may demand for regiſtring of each Bond and writing and Signing the Certificate, One Shilling Sterling and no more; and the Sums due or to grow due, on ſuch Bonds, ſhall, from the Day and Time the ſame ſhall be ſo regiſtred and Certified, be a real Charge and Incumbrance upon ſuch Houſes, Tenements, or Buildings, in Conſideration whereof ſuch Bonds were given or entred into; and in all Caſes where there ſhall happen to be any Diſpute between Creditors or other Claimants, ſuch Bonds ſhall be claſſed, marked and preferred, according to the Day and Time of the Day, they were regiſtred, and ſhall be of the ſame Validity and Effect, as if formal Infeoffment had been taken on ſuch Bonds, of the Date of which the ſame ſhall be reſpectively regiſtred.

Exciſe.

XII. Stat. 11 G. 1. *c.* 8. *Sect.* 2. In that Part of *Great Britain* called *Scotland*, there ſhall be levied, paid, *&c.* to the Uſe of his Majeſty, *&c.* for all Malt, Mum, Cyder, and Perry,

Perry, the reſpective Rates and Duties following, *viz.* For every Buſhel of Malt made of Barley, or any other Corn or Grain, which any Perſon in *Scotland* ſhall be poſſeſſed of on the 23d of *June*, 1725, the Sum of 3 *d.* for every Buſhel, and ſo in Proportion for every greater or leſſer Quantity; to be paid by ſuch Perſons reſpectively: For every Buſhel of Malt made in *Scotland* after the 23d of *June*, 1725, and before the 24th of *June*, 1726, (whether the ſame be or not be for Sale) the Sum of 3*d.* to be paid by the Makers reſpectively.

For every Barrel of Mum, which after the 23d of *June*, 1725, and before the 24th of *June*, 1726, ſhall be made or imported within *Scotland*, the Sum of 10 *s.* over and above all other Duties.

For all Cyder and Perry, which after the ſaid 23d of *June*, 1725, and before the ſaid 24th of *June*, 1726, ſhall be made for Sale within *Scotland*,) over and above all other Duties payable for Cyder and Perry made and ſold by Retailers) the Sum of 4 *s.* for every Hogſhead, and ſo in Proportion for a greater or leſſer Quantity; to be paid by the firſt Buyers or Retailers.

Which ſeveral Duties hereby granted and continued, ſhall be raiſed, paid, *&c.* by the ſame Ways, Means, and Methods, and by ſuch Rules and Directions, and with ſuch Allowances, *&c.* and under ſuch Penalties, *&c.* and with ſuch Power of Mitigation, *&c.* in all Reſpects not otherwiſe directed by this Act, as are preſcribed, *&c.* in the ſaid former Acts; [viz. *The Malt-Act of* 12 A. Seſſ. 1. c. 2. *and all the other Malt Acts ſince made for continuing the ſame*] or in any other Acts thereby referred unto; which Acts, and every Article, Rule, *&c.* therein contained, and now in Force, not altered by this Act, ſhall continue in Force for raiſing, *&c.* the Duties hereby granted, and for recovering the Penalties, *&c.* and making Mitigations, *&c.* During the Continuance of this Act, as fully as if the ſame were repeated in the Body of the preſent Act.

XIII. *Sect.* 3. All Perſons in *Scotland*, being poſſeſſed of, or having in their Cuſtody, in their Houſes, Barns, *&c.* on the ſaid 3d of *June*, 1725, any Parcel or Quantity of Malt, ſhall, on or before the 1ſt of *July*, 1725, make a true Entry thereof, at the Office of Exciſe, within the Limits of which they reſpectively inhabit, on the Forfeiture of 50 Pounds Sterling, and the Malt for which no ſuch Entry ſhall have been made; and within ſix Days after they have made, or ought to have made ſuch Entries, ſhall pay down the Duties to the proper Officers for receiving the ſame; or within the ſaid ſix Days ſhall give Security to the ſaid Officers, for paying the Duties to his Majeſty's Uſe within three Months next enſuing. And it ſhall be lawful for any Officer of the Exciſe

to take a true Account and Admeaſurement of all ſuch Malt, as any Perſons ſhall, on the ſaid 23d Day of *June*, 1725, be poſſeſſed of in *Scotland*; and for that purpoſe ſhall be permitted in the Day-Time to enter into any Dwelling-Houſe, Barn, or other Place whatſoever, belonging to ſuch Perſons, who are required to permit ſuch Officers, upon their Requeſt, to make ſuch Entrance on the ſaid 23d of *June*, or afterwards, at any Time before the Duty on ſuch Malt ſhall be paid or ſecured; and to take ſuch Account and Admeaſurement, under the Penalty of 50 *l.* Sterling.

XIV. *Sect.* 4. If after the 24th Day of *June*, 1726, it ſhall appear to the Commiſſioners of Exciſe in *Scotland*, that the Duties upon Mum, Cyder and Perry and upon Malt made in *Scotland*, hereby granted, ſhall not be ſufficient to anſwer the Sum of 20,000 *l.* then it ſhall be lawful for the ſaid Commiſſioners and the Officers under them, to make a proportional Surcharge upon all the Perſons who ſhall have made any Malt in *Scotland*, within the Year ending the 24th of *June*, 1726, of ſo much Money, by Way of additional Duty on all the Malt made by ſuch Perſons reſpectively, as ſhall make good ſuch Perſons proportional Part of ſuch Deficiency: Which Surcharges ſhall be paid to the Collectors of the Duties on Malt by the Perſons on whom the ſame ſhall be made, within one Month after the ſame ſhall be ſo ſurcharged; or in Default thereof, the Perſons neglecting or refuſing to make ſuch Payment, ſhall forfeit treble the Sum ſurcharged upon them; to be recover'd in ſuch Manner as the Duty of 3 *d. per* Buſhel may be, by this or any other Act of Parliament herein before recited or referred unto: Which Surcharge for making good the Deficiency of the ſaid 20,000 *l.* ſhall be computed and ſettled, as follows; *viz.* As the particular Quantity of Malt made by each Maker of Malt in *Scotland*, within the Year ending the 24th of *June*, 1726, ſhall bear Proportion to the whole Quantity of Malt made in *Scotland* within the ſame Year; ſo the particular Surcharge to be made on ſuch particular Malſter, towards making good the ſaid Deficiency, ſhall bear a Proportion to the whole Sum, which ſhall be found to be deficient, as aforeſaid.

XV. *Sect.* 5. In all Caſes where the firſt mention'd Act of 12 *A. Seſſ.* 1. *c.* 2. did relate to any Day or Time within the Year which commenced from the 23d of *June*, 1713, this Act ſhall relate to the like Day or Time within the Year commencing from the 23d of *June*, 1726.

XVI. *Sect.* 6. Malt made in *Scotland* not to be conſumed there, which at any Time between the 23d of *June*, 1725, and the 24th of *June*, 1726, ſhall be brought into *England*, if brought by Sea, ſhall be enter'd with the Officer for the ſaid Duties of the Port, where it ſhall be brought; and 6 *d.*

per

per Buſhel for the Duties thereof ſhall be paid to the ſaid Officer before Landing, unleſs a Certificate from the proper Officer be produced, that it hath paid the ſaid Duty of 3 *d.* *per* Buſhel in *Scotland*; and if ſuch Certificate be produced, there ſhall be paid only 3 *d.* *per* Buſhel for the Malt ſo brought into *England:* And if the ſame be brought by Land, it ſhall be carry'd through the Towns of *Berwick* or *Carliſle*, and there enter'd with the Officers for the ſaid Duties; and the like Duty of 6 *d.* *per* Buſhel for the ſame ſhall be paid in ready Money, unleſs ſuch Certificate as aforeſaid be produced; but upon producing thereof, then only 3 *d.* *per* Buſhel ſhall be paid, on Pain of forfeiting all ſuch Malt, or the Value thereof, as ſhall be landed or brought into *England* without ſuch Entry or Payment of Duties: And if any Malt made in *Scotland*, ſhall be found coming from thence by Land beyond the Towns before mention'd, without Entry or Payment of the Duties, all ſuch Malt, or the Value thereof ſhall be forfeited, and may be ſeized by any Officer of Exciſe for his Majeſty's Uſe: One Moiety of the Forfeitures to be to the King, the other Moiety to the Seizor or the Proſecutor; to be recover'd by ſuch Ways, *&c.* as the Penalties, *&c.* by this or any former Acts relating to the Malt-Duties are to be recovered, *&c.* or by Action of Debt, *&c.* in which no Eſſoign, *&c.* or more than one Imparlance ſhall be allowed.

XVII. *Sect.* 7. No Drawback ſhall be allowed out of the Duties by this Act charged on Malt made in *Scotland*, and exported to Parts beyond the Seas, above 3 *d.* *per* Buſhel.

XVIII. Stat. 12 G. 1. *c.* 4. The Duties on Malt, Mum, Cyder, and Perry, granted to his Majeſty by 11 G. 1. *c.* 8. within that Part of *Great Britain* called *Scotland*, continued for one Year, *viz.* from the 23d of June, 1726, to the 24th of *June*, 1727.

The other Clauſes in this Act, relating to theſe Duties in Scotland, *are exactly the ſame as in the Act* 11 G. 1. c. 8. *which ſee above*, Par. I. & ſeq.

XIX. Stat. 13 G. 1. c. 7. *By this Act the Duties on Malt*, &c. *in* Scotland *are farther continued from the* 23*d of* June, 1727, *to the* 27*th of* June, 1728, *and in the Act there is a Cauſe of Loan for* 750,000 *l. with Intereſt after the Rate of* 4 l. per Cent. per Annum, *and the Money lent to be Tax free. In all other reſpects this Act is exactly the ſame*, mutatis mutandis, *with the Act* 11 G. 1. c. 8. *which ſee above*, Par. I. & ſeq.

XX. Stat. 1 G. 2. Seſſ. 2. c. 1. *By this Act the Duties on Malt, Mum, Cyder and Perry in* Scotland, *are made payable to*

his Majeſty from the 23*d of* June, 1728, *to the* 24th *of* June, 1729, Vide ſupra, Par. I.

XXI. Stat. 2 G 2. c. 1. *By this Act the Duties on Malt*, &c. *in* Scotland, *are farther continued from the* 23*d of* June 1729, *to the* 24*th of* June, 1730. See above, Par. I.

XXII. Stat. 3 G. 2. c. 7. By this Act the Duties on Malt, &c. in *Scotland* are farther continued from the 23d of *June*, 1730, to the 24th of June, 1731. Vide ſupra, Par. I.

XXIII. *Sect.* 7. Nothing in this Act ſhall extend to charge the 4 *s. per* Hogſhead on any Cyder or Perry ſold to any Diſtiller or Maker of Strong Waters, for ſuch Cyder and Perry as ſhall be uſed for diſtilling only.

XXIV. *Sect.* 8. After the 24th of *June*, 1730, every Diſtiller, that ſhall receive any Quantity of Cyder or Perry into his Cuſtody, ſhall give Notice in Writing to the proper Officer, forty-eight Hours before he puts any of the ſame into Stills to be drawn into Low-Wines or Spirits; and if he ſhall not give ſuch Notice, or if it ſhall appear that any Quantity of it hath been diſpoſed of, or made Uſe of in any other Way but in Diſtillation only, he ſhall forfeit 5 *l.* one Moiety thereof to the King, the other to the Proſecutor.

Fiſheries and other Manufactures.

XXV. Stat. 13 G. 1. *c.* 30. The Preamble recites, That whereas by the 15th Article of the Treaty of *Union* it is provided, that 2000 *l. per Annum*, for the Space of Seven Years, ſhould be applied towards encouraging and promoting the Manufacture of coarſe Wool, within thoſe Shires of *Scotland*, which produce the Wool, and that the firſt 2000 *l.* ſhould be paid at *Martinmas* then next; and that whereas by the Act 5 G. 1. *c.* 20. it is provided, That yearly, reckoning the firſt Year to begin at *Midſummer*, 1719, the Sum of 2000 *l.* ſhould be one yearly Fund, payable at the four moſt uſual Feaſts of the Year, the firſt Payment whereof to be due at *Michaelmas*, 1719, to be paid out of the Monies ariſing for the Cuſtoms, Duties, Exciſe, or Revenues, under the Management of the Commiſſioners of the Cuſtoms, and Commiſſioners of the Exciſe in *Scotland*, and Subject to Redemption by Parliament, on Payment of 40,000 *l.* and all Arrears of the ſaid Annuity, to be applied towards encouraging and promoting the Fiſheries, and ſuch other Manufactures and Improvements in *Scotland*, as may moſt conduce to the general Good of the United Kingdom, and to no other Uſe whatſoever; which Annuity hath not hitherto been paid or applied to

the Purpoſes for which it was intended: And that whereas by the Act 12. G. 1. c. 4. *for granting to his Majeſty certain Duties upon Malt*, &c. *in* Scotland, it is provided, That if the Rate of Three Pence *per* Buſhel, charged upon Malt to be made in *Scotland*, ſhould produce a greater Sum than 20,000 *l.* clear of all Charges of Management, the Surpluſage ſhould be wholly applied towards encouraging and promoting the Fiſheries, &c. in *Scotland*, and to no other Uſe, in ſuch Manner as ſhould thereafter be directed by Parliament: To the End therefore that theſe ſeveral Funds and Sums of Money, or any other Fund or Sum of Money, that may become payable for the Advancement of Fiſheries and Manufactures in *Scotland*, may be regularly applied for the ſaid Purpoſes, it is Enacted,

XXVI. *Sect.* 1. That it ſhall be lawful for his Majeſty, by Letters Patent under the Great Seal, appointed by the Treaty of *Union* to be kept in *Scotland*, to lay down, ſettle and eſtabliſh a particular Plan or Method, and to fix and direct proper Rules and Regulations, whereby the ſaid ſeveral Funds and Sums of Money, already grown due, or which hereafter ſhall grow due, for the improvement of Fiſhery and Manufactures in *Scotland*, ſhall be wholly applied, laid out and diſtributed according to the Tenour of the ſaid 15th Article of the Treaty of Union, and for the Improvement of Fiſheries and ſuch other Manufactures in *Scotland*, as may moſt conduce to the general Good of the United Kingdom, and to no other Uſe or Purpoſe whatſoever; which Plan and Method of Diſtribution ſhall continue and endure, and be a full Authority for applying the Monies in the Manner therein to be directed, till the ſame be altered or varied in the Manner herein after expreſſed.

XXVII. *Sect.* 2. It ſhall be lawful for his Majeſty, by Letters Patent under the ſaid Seal, to appoint and authoriſe any Number of Perſons reſiant in *Scotland*, not exceeding Twenty-one, to be Truſtees and Commiſſioners for managing and directing the Application of the ſaid Sums, according to the Plan or Method that ſhall be ſettled and eſtabliſhed, as aforeſaid, and for executing the ſeveral Powers and Authorities, which by the ſaid Letters Patents ſhall to them be granted by his Majeſty.

XXVIII. *Sect.* 3. It ſhall be lawful for his Majeſty to appoint the Receiver General of the Crown-Rents and Caſualties in *Scotland*, to be the Caſhier for the Commiſſioners and Truſtees, for receiving the ſeveral Sums of Money generally and particularly above-mentioned, and for paying out the ſame to and by the Order of the ſaid Commiſſioners and Truſtees, for the Purpoſes, and according to the particular

Regulations that ſhall be eſtabliſhed by his Majeſty in the ſaid Letters Patents.

XXIX. *Sect.* 4. The Commiſſioners of the Treaſury, or the Lord High Treaſurer of *Great Britain* for the Time being, ſhall iſſue their Warrants and Orders to the proper Perſons, for making Payment of all the Money due and payable, or that ſhall become due and payable hereafter, for encouraging and promoting Fiſheries and Manufactures in *Scotland*, as the ſame ſhall become due, according to the Directions of the Acts above-mentioned, to the ſaid Receiver General of the Crown-Rents and Caſualties in *Scotland*, without Fee, to be by him iſſued in like Manner without Fee, to and by Order of the Commiſſioners and Truſtees, purſuant to ſuch Orders as ſhall be given in that Behalf by the ſaid Letters Patents.

XXX. *Sect.* 5. The Commiſſioners and Truſtees ſhall, annually at *Chriſtmas*, make up an exact Account of all the Monies received and iſſued by their Orders, together with a true Report of the State of the Fund committed to their Management, and of their Proceedings in the Execution of their Truſt, which they ſhall, within Thirty Days, lay before his Majeſty; and ſhall alſo, within the like Space of Thirty Days, lay true Copies of the ſaid Accounts and Reports before the annual Committee of the Convention of the Royal Burroughs of *Scotland*, that they may peruſe and examine the ſame; and lay before his Majeſty ſuch Obſervations as they ſhall make thereon.

XXXI. *Sect.* 6. The Commiſſioners and Truſtees may, annually at the Feaſt of *Chriſtmas*, lay before his Majeſty ſuch Alterations and Additions as to them ſhall ſeem neceſſary or expedient, for improving or amending the Plan or Method for the Time being, eſtabliſhed for encouraging the ſaid Fiſheries or Manufactures; and if the ſaid Alterations or Additions ſeem neceſſary or expedient to his Majeſty, it ſhall be lawful for his Majeſty, by Letters Patent under the ſaid Seal, to alter the Plan or Method for the Time being, and to ſettle and eſtabliſh a new one, upon the Repreſentation of the Commiſſioners and Truſtees, as above mention'd, which ſhall continue and be in Force till it ſhall be altered or varied by his Majeſty, upon the Repreſentation of the Commiſſioners or Truſtees.

Forfeited Eſtates.

XXXII. Stat. 2 G. 2. *c.* 33. *Sect.* 1. The Judgments and Determinations already given and made, or hereafter to be given and made by the Court of Delegates in *Scotland*, may

be amended and reverſed in the ſame Manner, as by the Act 6 G. 1. c. 24. *For the better explaining the Nature of Conveyances to be made to the Purchaſers of the forfeited Eſtates, by the Commiſſioners and Truſtees acting in* Scotland, the Judgments and Determinations of the Court of Delegates, formerly conſtituted, were to be reverſed and amended; and it ſhall be lawful for all Parties concerned to proceed in the ſame Manner for reverſing, affirming, and amending the Decrees of the ſaid Court of Delegates, as is uſual and competent by the Laws and Practices of *Scotland*, for reverſing, affirming, or amending the Decrees of the Court of Seſſion or Exchequer in *Scotland*; and any Proceedings already had for reverſing or amending the Decrees of the Court of Delegates conſtituted by his preſent Majeſty, ſhall be of the ſame Validity and Effect as the like Proceedings for reverſing or amending the Decrees of the former Court of Delegates, conſtituted by his late Majeſty, were in Virtue of the ſaid Act of 6 G. 1. c. 24.

XXXIII. *Sect.* 2. In all Caſes in which the former Court of Delegates might by the Law, as it then ſtood, have remitted the further Hearing of the Cauſe to the Commiſſioners and Truſtees, it ſhall be lawful to the Court of Delegates now appointed by his Majeſty, to proceed with the Hearing of the Cauſe in their own Preſence, and to do all ſuch Matters and Things touching the ſame, as the Commiſſioners and Truſtees lawfully could have done in Purſuance of ſuch Remit.

Glaſgow.

XXXIV. Stat. 12 G. 1. c. 27. *Sect.* 1. From and after the Twenty-fourth of *June*, 1726, the Impoſition of the Two Pennies *Scots* on each Pint of Ale and Beer to be brewed in, brought, vended, tapped, or ſold within the City of *Glaſgow*, and other Places mentioned in the Acts paſſed in *Scotland* in the Years 1693, and 1705, ſhall be no longer paid or payable to the Magiſtrates and Town-Council of the ſaid City, or their Succeſſors in Office, or in Truſt for them, or to any other Perſons to their Uſe, and for their Benefit, or for the Uſe or Benefit of the City of *Glaſcow*, 'till the Sum of 6,080*l.* be raiſed and paid to his Majeſty towards enabling him to make good the Loſſes ſuſtain'd by *Daniel Campbell*, Eſq; in a late Riot at *Glaſgow*.

XXXV. *Sect.* 2. The ſaid Impoſition of Two Pennies *Scots* ſhall be veſted in his Majeſty, and appropriated for the Purpoſes in this Act expreſſed, and ſhall be levied and paid for

for the Uſe of his Majeſty, his Heirs and Succeſſors, in Manner herein after-mentioned.

XXXVI. *Sect.* 3. The ſaid Impoſition ſhall be under the Receipt and Management of the Commiſſioners of Exciſe in *Scotland*, until the ſaid 6,080 *l.* and Intereſt for the ſame, ſhall be ſatisfied; and the Monies ariſing by this Impoſition (the neceſſary Charges of raiſing and accounting for the ſame excepted) ſhall be paid into the Exchequer in *Scotland*, diſtinctly and apart from all other Branches of the Publick Revenues, for the Purpoſes in this Act expreſſed.

XXXVII. *Sect.* 4. All the Powers in the Act 12 *Car.* 2. *c* 23. and other Acts relating to the Exciſe, ſhall be put in Execution for the Management of theſe Duties, during the Continuance of this Act.

XXXVIII. *Sect.* 5. If the Magiſtrates and Town-Council of the City of *Glaſgow* ſhall, on or before the Twenty-fourth of *June*, 1727, pay into the Receipt of Exchequer in *Scotland*, the ſaid Sum of 6,080 *l.* or ſo much thereof as ſhall remain uncollected by the Commiſſioners and Officers of Exciſe, clear of all Charges and Deductions, then this Act ſhall determine; and after ſuch Payment the Magiſtrates and Town-Council ſhall hold and enjoy the ſaid Impoſitions as fully as if this Act had never been made.

XXXIX. *Sect.* 6. The Commiſſioners of the Treaſury ſhall, out of any Monies ariſen or to ariſe out of the Cuſtoms, Exciſe, or other Revenues payable to his Majeſty in *Scotland*, cauſe Payment to be made of the ſaid Sum of 6,080 *l.* to the ſaid *Daniel Campbell*, or his Aſſigns, clear of all Charges and Deductions, without any farther Warrant for ſo doing; taking Care that the ſaid Sum, with Intereſt, be replaced to the ſaid Branches of the Revenue, from whence the ſame ſhall be taken, out of the ſaid Impoſitions, as faſt as the ſame ſhall be received.

Highlands.

XL. Stat. 11 G. 1. *c.* 26. *Sect.* 1. At all Times hereafter it ſhall be lawful for the Lord Lieutenant of every one of the following Shires, *viz.* *Dunbartain* on the North Side of the Water of *Leven*, *Sterling* on the North Side of the River of *Forth*, *Perth*, *Kincairdin*, *Aberdeen*, *Inverneſs*, *Nairn*, *Cromarty*, *Argyle*, *Forfar*, *Bamf*, *Sutherland*, *Caithneſs*, *Elgin*, and *Roſs*, and for ſuch other Perſons as his Majeſty ſhall by his Sign Manual think fit to authorize to cauſe Letters or Summons to be iſſued in his Majeſty's Name, and under their Hands and Seals, directed to ſuch of the Clans and Perſons within the ſaid Shires and Bounds, as they ſhall

think fit, commanding all Perſons of ſuch Clans, and all other Perſons therein named, inhabiting within the Limits before deſcribed, on a certain Day in ſuch Summons prefixed, to bring in and deliver up, at a certain Place in ſuch Summons to be mentioned, all their Arms and warlike Weapons, to ſuch Lord Lieutenant, or other Perſons authorized by his Majeſty in that Behalf, as aforeſaid, for the Uſe of his Majeſty, and to be diſpoſed of in ſuch Manner as his Majeſty ſhall afterwards appoint; and if at any Time after the Day in ſuch Summons preſcribed, any Perſons belonging to the Clans in ſuch Summons named, or any other Perſons in ſuch Summons mentioned, ſhall on the Oath of Two credible Witneſſes, be convicted before Two Juſtices of the Peace for the Shire or Stewartry where ſuch Offenders reſide, or are apprehended, of having or bearing any Arms or warlike Weapons, after the Day prefixed in ſuch Summons, he ſhall, by Warrant under the Hands and Seals of ſuch Juſtices, be forthwith committed to ſuch ſafe Cuſtody as ſhall be expreſſed in the Warrant, to be there kept without Bail, until the ſaid Juſtices ſhall cauſe him to be delivered over (as they are hereby impowered to do) to ſuch Officers belonging to his Majeſty's Forces, as ſhall, from Time to Time be appointed to receive ſuch Man to ſerve as a Soldier in any of his Majeſty's Dominions beyond the Seas; and the Officers who receive ſuch Perſons, ſhall then cauſe the Articles of War, againſt Mutiny and Deſertion, to be read to them in the Preſence of ſuch Perſons as ſhall deliver over ſuch Men to ſuch Officers; who ſhall cauſe an Entry thereof to be made, together with the Names of the Perſons ſo delivered over, and a Certificate thereof in Writing under their Hands and Seals, to be delivered to the Officers appointed to receive ſuch Men; and after the reading the ſaid Articles of War, every Perſon ſo delivered over, ſhall be deemed a liſted Soldier, and be ſubject to the Diſcipline of War; and in Caſe of Deſertion, ſhall be puniſhed as a Deſerter.

XLI. *Sect.* 2. If after the Days prefixed for delivering up of Arms, any Arms or warlike Weapons ſhall be found concealed in any Dwelling-Houſe, Barn, Office, Houſe, Out-houſe, or any other Houſe within the Limits ſummoned to deliver up Arms, the Tenant or Poſſeſſor of ſuch Dwelling-Houſe, and to whoſe Poſſeſſion ſuch Barn, *&c.* belongs, ſhall be deemed to be the Haver, of ſuch concealed Arms, in Contempt of this Act; and being thereof convicted in Manner above-mentioned, ſhall, if a Man ſuffer the Penalties hereby above-enacted; and, if a Woman, ſhe being convicted, *&c.* ſhall, by Warrant of the Juſtices of the Peace before whom convicted, ſuffer Impriſonment for Two Years,

Years, within the *Tollbooth* of the Head Burgh of the Shire or Stewartry in which ſhe ſhall be convicted, and ſhall be farther liable to be fined by the ſaid Juſtices, according to their Diſcretion, in any Sum not exceeding 100 *l.* of lawful Money of *Great Britain*, unleſs ſuch Tenant or Poſſeſſor in whoſe Houſe, *&c.* ſuch Arms ſhall be found concealed, do give ſufficient Evidence to the Satisfaction of the ſaid Juſtices, before whom he or ſhe ſhall be tried, that ſuch Arms were ſo concealed without his or her Connivance, Privity or Knowledge; and if any Perſons ſhall be acceſſary or privy to the concealing ſuch Arms in the Fields, or in any other Place, they being lawfully convicted thereof before Two Juſtices, as aforeſaid, ſhall ſuffer the Penalties above-enacted.

XLII. *Sect.* 3. The Summons ſhall, notwithſtanding the Generality thereof, be deemed ſufficient, if it expreſs the Clans that are commanded to deliver up their Weapons, and the Lands, Limits and Boundings, the Inhabitants whereof are to be diſarmed; and it ſhall be a legal Execution on Notice given of the ſaid Summons, if it be affixed on the Doors of the Pariſh-Churches of the ſeveral Pariſhes, within which the Lands, the Inhabitans whereof are to be diſarmed, lie, on any *Sunday*, between the Hours of Ten in the Forenoon and Two in the Afternoon, Four Days at leaſt before the Day prefixed for delivering up the Arms, and on the Market-Croſs of the Head Burgh of the Shire or Stewartry within which the ſaid Lands lie, Eight Days before the Day appointed for the ſaid Delivery of the Arms; and if any Perſon imployed to affix the Summons, ſhall be interrupted, moleſted, or forcibly hindered to affix the ſaid Summons on the Church-Doors, upon Oath made to the Effect aforeſaid, before any Juſtices of the Peace, the Summons affixed on the Market-Croſs of the Head Burgh of the Shire or Stewartry, as aforeſaid, ſhall be deemed to be ſufficient Notice to all Perſons commanded thereby to deliver up their Arms; and they, upon their Neglect or Diſobedience, ſhall ſuffer, and be liable to the Conviction and Penalties above expreſſed, in the ſame Manner as if the Summons had been regularly affixed on the Doors of the ſeveral Pariſh-Churches.

XLIII. *Sect.* 4. Upon the elapſing of the ſeveral Days to be prefixed for delivering up Arms, the Perſons employed to affix Copies of the Summons on the Market-Croſs of the Head Boroughs of any Shire or Stewartry, ſhall make Oath before One Juſtice of Peace, that they did truly execute and give Notice of the ſame; and thoſe employed to affix the Summons on the Doors of the Pariſh-Churches, ſhall make Oath in the ſame Manner, and to the ſame Effect; or

otherwiſe ſhall ſwear, That they were interrupted, moleſted, or forcibly hindered to affix Copies of the ſaid Summons; which Oaths, with Duplicates of the Summons, ſhall be delivered to the Sheriff or Stewart-Clerk of the ſeveral Shires or Stewartries within which the Lands intended to be diſarmed lie, who ſhall enter the ſame in Books which they are required to keep for that Purpoſe; and the ſaid Books, or Extracts out of the ſame, under the Hand of the Sheriff or Stewart-Clerk, ſhall be deemed to be full Evidence of the Execution of the Summons, in Order to the Conviction of the Perſons who ſhall neglect or refuſe to comply with the ſame.

XLIV. *Sect.* 5. If any ſuch Sheriff, or Stewart-Clerk, neglect or refuſe to make ſuch Entry, or ſhall refuſe to exhibit the Books containing ſuch Entries, or to give Extracts thereof, being required by any Perſons who ſhall carry on Proſecutions, as aforeſaid, he ſhall forfeit his Office, and be liable to a Fine of 100 *l.* Sterling, to be recoveredon a ſummary Complaint before the Court of Seſſion, for the Uſe of his Majeſty.

XLV. *Sect.* 6. It ſhall be lawful for the Lord Lieutenant of any of the ſaid Shires, or the Perſons authorized by his Majeſty, or for any Two or more Juſtices of the Peace, by Warrant under his or their Hand and Seal, to appoint any Perſons whom they ſhall think fit, to enter into any Houſe within the ſaid Limits, either by Day or Night, and there to ſearch for and ſeize all ſuch Arms and warlike Weapons as ſhall be found contrary to the Direction of this Act: Provided, That if ſuch Search be made in the Night-time, between Sun-ſetting and Sun-riſing, it ſhall be made in Preſence of a Conſtable; and if any Perſons, to the Number of Five, or more, ſhall aſſemble together to obſtruct the Execution of any Thing hereby required to be executed, it ſhall be lawful to every Lord-Lieutenant, Deputy-Lieutenant, or Juſtice of the Peace, and to any other Peace-Officer, within any ſuch Shire, Stewartry, City, Borough, or Place where ſuch Aſſembly ſhall be, and likewiſe to every other Perſon as by his Majeſty ſhall be authorized in that Behalf, to require the Aſſiſtance of his Majeſty's Forces, by applying to the commanding Officer; and all other his Subjects (who are hereby commanded to give ſuch Aſſiſtance) to ſuppreſs ſuch unlawful Aſſembly; and alſo to ſeize and diſarm ſuch Perſons ſo aſſembled together, and forthwith to carry them before a Juſtice of the Peace of the Shire or Place where they ſhall be ſo apprehended, in Order to their being proceeded againſt according to Law: And if any Perſon ſo unlawfully aſſembled, or any other Perſon ſummoned to deliver up his Arms, ſhall happen to

be

be killed, maimed, or hurt, by Reaſon of their reſiſting the Perſons endeavouring to diſperſe and ſeize them; then all ſuch Lord-Lieutenants, Deputy-Lieutenants, Juſtices of the Peace, Peace-Officers, and all Perſons ſo authorized by the King; and alſo all Soldiers and others, being aiding and aſſiſting to them, ſhall be freed and indemnified, as well againſt the King as againſt all other Perſons, of and for the killing, maiming, or hurting any ſuch Perſons ſo unlawfully aſſembled.

XLVI. *Sect.* 7. If any Action, Civil or Criminal, ſhall be brought before any Court, againſt any Perſons for what they ſhall lawfully do in Purſuance of this Act, ſuch Court ſhall allow the Defendant the Benefit of the Diſcharge and Indemnity above provided, and ſhall decree the Purſuer to pay to the Defender the full Expences he ſhall be put to by ſuch Action or Proſecution.

XLVII. *Sect.* 8. No Peers of this Realm, or their Sons, nor any Members of Parliament, nor any Perſons who by the Act of 1 *G.* 1. *c.* 54. were allowed to have or carry Arms, ſhall, by this Act, be liable to be ſummoned to deliver up their Arms or warlike Weapons; nor ſhall this Act extend to hinder any other Perſons whom his Majeſty, by Licenſe under his Royal Sign Manual, ſhall permit to wear Arms, or who ſhall be licenſed to wear Arms by any Writing under the Hand and Seal of any Perſon authorized by his Majeſty to give ſuch Licenſe, from keeping, bearing, or wearing ſuch and ſo many Arms and warlike Weapons, as in ſuch Licenſe ſhall be particularly ſpecified.

XLVIII. *Sect.* 9. After the Time of affixing any ſuch Summons, no Perſon reſiding within the Bounds therein mentioned, ſhall be proſecuted for his having or bearing, or having had or born Arms, at any Time before the Days limited by ſuch Summons, for the reſpective Clans and Diſtricts to deliver up their Arms; but if any ſhall neglect or refuſe to deliver up their Arms in Obedience to ſuch Summons, or ſhall be afterwards found in Arms, they ſhall be liable to the Penalties and Forfeitures of the Statute of 1 *G.* 1. *c.* 54. [*for the more effectual Securing the Peace of the* Highlands *of* Scotland] as well as to the Penalties of this preſent Act.

XLIX. *Sect.* 10. After the Firſt Day of *June*, 1725, no Sentence or Judgment of any Civil Magiſtrate, or Court of Judicature, impoſing a Capital or any Corporal Puniſhment, if pronounced in *Edinburgh*, or any other Part of *Scotland*, to the Southward of the *Frith*, or River of *Forth*, ſhall be put in Execution within leſs than Thirty Days after the Date of ſuch Sentence; and if pronounced in any Place to theNorthward of the ſaid *Frith*, ſhall be put in Execution within

within leſs than Forty Days after the Date of ſuch Sentence; Provided, That nothing herein ſhall hinder or diſable the Courts of Judicature, or any other Civil Magiſtate within *Scotland*, to commit to Gaol, and detain in Cuſtody, in Order to Tryal, or to the Execution of Sentences, as they might by Law have done before the making of this Act.

L. *Sect.* 11. It being found by Experience, that the Sums for which Bail is to be taken on any criminal Information in *Scotland*, in Purſuance of an Act made therein, 1701, *For preventing wrongous Impriſonment, and againſt Delays in Trials*, are too ſmall, and diſproportioned to the Danger of Criminals eſcaping from the Puniſhment appointed by Law, extending no higher than to the Sum of 6000 Marks for a Nobleman, 3000 Marks for a landed Gentleman, 1000 Marks for any other Gentleman or Burgeſs, and 300 Marks, all Money of *Scotland*, for any other inferior Perſon. Be it therefore Enacted, That after the Firſt of *June*, 1725, it ſhall be lawful for every Magiſtrate, Judge, and Court of Judicature in *Scotland*, to extend the Bail to be given in the ſaid ſeveral Caſes to double the Sums provided by the ſaid Act, if he or they, on the Circumſtances of the Caſe, ſhall think fit.

LI. *Sect.* 12. It ſhall be lawful for the Freeholders of every Shire, County, or Diſtrict in *North Britain*, to aſſeſs the ſeveral Shires or Stewartries where their Eſtates lie, at their Meetings at the Head Courts yearly, in ſuch Sums as they ſhall judge ſufficient for defraying the Charges of apprehending Criminals, and of ſubſiſting them when apprehended, and of carrying on the Proſecutions againſt them; and the Monies ſo aſſeſſed ſhall be collected and accounted for by ſuch Perſons, and in ſuch Manner as the Freeholders ſhall appoint, and ſhall be applied to the Purpoſes aforeſaid, and to no other Uſe whatſoever.

LII. *Sect.* 13. So much of this Act as relates to the ſummoning and diſarming the Perſons before-mentioned, and intended to be diſarmed, ſhall remain in Force for the full Term of Seven Years, and from thence to the End of the then next Seſſion of Parliament.

Linen and Hempen Manufactures.

LIII. Stat. 13 *G.* 1. *c.* 26. *Sect.* 1. After the Firſt Day of *November*, 1727, no Perſon ſhall import into *Scotland*, any bad, mixed, or damnified Lintſeed or Hempſeed; but all Lintſeed or Hempſeed imported, of the Growth of the *Netherlands*, *Ruſſia*, *Livonia*, *Poland*, *Germany*, and other Places, ſhall be freſh, good, and clean, without Mixture.

LIV.

LIV. *Sect.* II. After the ſaid Firſt of *November*, no Perſon ſhall vend, or expoſe to Sale in *Scotland*, any mixed or damnified Lintſeed or Hempſeed, known by the Name of Short Lintſeed; and no Perſon ſhall mix, or cauſe to be mixed, different Parcels of Lintſeed or Hempſeed of different Countries or Growths together; and every Perſon who ſhall ſell any Parcel of Lintſeed or Hempſeed in *Scotland*, ſhall, together with the ſaid Parcel, deliver to the Buyer, in Writing, a particular Account of the Parcel of Lintſeed or Hempſeed ſold by him, expreſſing the Quantity thereof, the Place from whence the ſame was imported, and where it grew, and the Year of its Growth, to the End that if the Seller ſhall have been guilty of any Fraud, he may be the more eaſily convicted, and ſubject to the Penalties herein after expreſſed.

LV. *Sect.* 3. Every Perſon who ſhall ſell, or expoſe to ſale, bad, ſhort, or damnified Lintſeed or Hempſeed, or who ſhall mix what is left of the former Year, with what is imported in a ſubſequent Year, or ſhall mix diſtinct Parcels together, or who ſhall ſell any of a diſtinct Growth or Age from what he hath expreſſed at the Sale in the Account to be given in Writing, as aforeſaid, ſhall, upon being duly convicted thereof in Manner hereafter mentioned, for every ſuch Offence, forfeit the Lintſeed or Hempſeed ſo ſold or expoſed to ſale, or the Price thereof; and likewiſe a Sum not exceeding 5 *l.* Sterling, nor leſs than 50 *s.* for every Hogſhead of Lintſeed or Hempſeed ſo ſold or expoſed to Sale, and proportionably for a greater or leſſer Quantity: And every Perſon who ſhall ſell any Lintſeed or Hempſeed by any other Meaſure than the *Linlithgow* Meaſure ſtreaked, and the Fractions thereof, ſhall forfeit for every Offence the Meaſure uſed by him, and a Sum not exceeding 40 *s.* Sterling, to be recovered in Manner herein after deſcribed.

LVI. *Sect.* 4. No Hemp or Lint in *Scotland*, ſhall be ſteeped or watered in any Bog-hole, Peat, Moſs or Turf-Pit; and no Lint or Hemp ſhall be ſteeped for Two Years ſucceſſively, in any ſtanding Pool, or in any Hole or Pit with ſtanding Water, unleſs ſuch Hole or Pit is dug near to the ſide of a running River or Rivulet, from whence the Pool, Hole, or Pit may be frequently ſupplied with freſh Water; and all Perſons ſteeping Lint or Hemp, contrary to the true Meaning hereof, ſhall for every Offence, being duly convicted in Manner hereafter directed, forfeit ſuch Lint or Hemp, to be recovered as herein after is mentioned.

LVII.

LVII. *Sect.* 5. To prevent the great Frauds frequently committed in the ſpinning and reeling of Linen Yarn, to the great Prejudice of the Linen Manufacture, no Perſon ſhall, after the ſaid Firſt of *November*, ſell or expoſe to Sale, or import into *Scotland*, or carry or tranſport from any one Part of *Scotland* to another, any Linen Yarn, other than ſuch as has been made up into Cuts, and Heſps or Hanks, each Heſp or Hank conſiſting of 12 Cuts, and no more, and each Cut containing 120 Threads, all exactly numberd, and no more; and all Yarn contained in the Heſp or Hank ſhall be Lint-Yarn only, or Tow-Yarn, and of the ſame Colour and Fineneſs; and no Tow-Yarn and Lint-Yarn ſhall be mixed together in one and the ſame Heſp or Hank, and the ſame ſhall be tied up with a Piece of Packthread, and not Yarn; and the ſaid Yarn ſhall be well reeled, and each Cut, and Heſp or Hank ſhall be ſeparated as it ſhall be reeled, and not afterwards: And after the ſaid Firſt of *November*, the uniform Standard Reel of *Scotland* ſhall be Two Yards and an Half, or Ninety Inches in Circumferenee; and all Perſons who ſhall ſell, or expoſe to ſale, or carry or tranſport from one Part in *Scotland* to another, any Lint or Hemp Yarn, made up in any other Manner than as aforeſaid, and ſhall be convicted thereof, ſhall forfeit the Heſp or Hank made up of fewer Cuts than Twelve, or in which any Cut ſhall be falſly made up, to the Informer and Proſecutor.

LVIII. *Sect.* VI. It ſhall be lawful for any Juſtice of the Peace, or Magiſtrate, within any Burrough, or for any Perſon lawfully authorized by Warrant under the Hand and Seal of any ſuch Juſtice or Magiſtrate, to enter into any Houſe, the Doors being open, at all Times of the Day; and if any Reel be there found, other than Two Yards and Half, or Ninety Inches in Circumference, it ſhall be carry'd before ſuch Juſtice or Magiſtrate within any Borough, who are hereby authorized and required to break, burn, and utterly deſtroy the ſame.

LIX. *Sect.* 7. It ſhall be lawful for the reſpective Officers herein after named, or any of them, at all Times by Day, to enter into any Warehouſes, Storehouſes, Rooms, Shops, Cellars, Vaults, and other Places made Uſe of for keeping or making any Linen Yarn, and ſeize and carry away all ſuch Linen Yarn, as they ſhall there find made up contrary to the Direction before-mentioned, and detain the ſame 'till it be tried whether ſuch Yarn be made contrary to the Directions of this Act; and the ſame is hereby directed to be tried in the ſame Way, and under the ſame Penalties, as herein after directed, concerning Linen Cloths ſeized, as made

made up contrary to the Directions of this Act: And if any Perſon ſhall obſtruct the Officers from entring ſuch Places, or in ſeizing or carrying away ſuch Linen Yarn, he ſhall forfeit 5 *l.* Sterling.

LX. *Sect.* 8. No Weaver ſhall ſet up for himſelf as Maſter-Weaver, 'till he give Security before a Juſtice of Peace, or Magiſtrate within any Burough, under ſuch Penalties as the Juſtice or Magiſtrate ſhall think fit; that neither he, nor any Perſon to be employed by him, ſhall weave any Linen Cloth for Sale, otherwiſe than according to the Rules and Directions preſcribed by this Act; and if any Perſon ſhall ſet up for himſelf as Maſter-Weaver, without giving ſuch Security, and be thereof convicted in Manner after-mentioned, he ſhall forfeit every Web or Piece of Linen Cloth ſo wrought by him, or the Value thereof, for the Benefit of the Informer, and alſo 5 *l.*

LXI. *Sect.* 9. After the ſaid Firſt of *November*, every Weaver of Linen Cloth of any Kind, ſhall make all the Warp of every Piece of Linen Cloth of equal Fineneſs, and the Woft all of one Fineneſs, and proportionable to the Warp; and every Piece of Linen Cloth ſhall be of equal Fineneſs and Thickneſs throughout the whole Piece; and no Weaver ſhall put Lint and Tow Yarn in the ſame Piece; and if any Weaver ſhall weave, or cauſe to be weaved, any Piece or Web of Linen Cloth contrary to the Directions aforeſaid, and be thereof lawfully convicted in the Manner after-mentioned, he ſhall forfeit his Security, or ſo much thereof as the Juſtice or Magiſtrate within any Burough, before whom he ſhall be convicted, ſhall think fit to modify and direct; and ſhall be diſabled to carry on his Trade as a Weaver, 'till he renew his Security.

LXII. *Sect.* 10. If any Weaver ſhall neglect to weave any Linen-Yarn, delivered to him by any Perſon, into ſuch Cloth, and within ſuch Time, and in ſuch Manner as was contracted for; or ſhall waſte, imbezle, or damnify any Linen Yarn delivered to him, ſuch Weaver, being thereof convicted in the Manner after-mentioned, ſhall for every Offence make good the Party's Damages, and forfeit to the Perſon agrieved a Sum not exceeding 40 *s.* nor leſs than 5 *s.* Sterling.

LXIII. *Sect.* 11. All Linen Cloth of any Kind, that ſhall be made in *Scotland*, ſhall be made and meaſured by the Standard Yard-Wand, and of the ſeveral Lengths and Breadths following, *viz.* each Piece of plain Linen intended to be whitened, ſhall be in Breadth, when whitened, full Half-Yard, or full Five Eights, or full Three Quarters, or full Seven Eighths, or full Yard, or full Yard and Eighth, or full Yard and Quarter, or full Yard and Half; and all brown

brown or green Linen not intended to be whitened, ſhall be in Breadth full Half Yard, or full Five Eighths, or full Three Quarters, or full Seven Eighths, or full Yard, or full Yard and Quarter, or full Yard and Half; and every Piece of plain Linen Cloth that is whitened, ſhall contain in Length, at leaſt Twelve Yards and an Half; and all ſtriped Linen Cloth ſhall be in Breadth full Three Quarters of a Yard, or full Seven Eighths, or full Yard, or full Yard and Eighth, or full Yard and Quarter; and all Sorts of Ticking ſhall be in Breadth full Five Eighths, or full Three Quarters, or full Seven Eighths, or full Yard; and all Checks ſhall be in Breadth full Three Quarters, or full Seven Eighths, or full Yard, or full Yard and Eighth; and all chequered Handkerchiefs made of Linen only, or of Linen and Cotton, or of Cotton only, ſhall be in Breadth full Half Yard, or full Five Eighths, or full Three Quarters, or full Seven Eighths, and ſhall be of the ſame Length with the Breadth, that they may be ſquare; and all ſtriped, plain, dropped, or ſpotted Muſlins, when whitened, ſhall be in Breadth full Three Quarters, or full Seven Eighths, or full Yard, or full Yard and Eighth, or full Yard and Quarter, or full Yard and an Half; and all Cambricks, when whitened, ſhall be in Breadth full Five Eighths, or full Three Quarters, or full Seven Eighths, or full Yard, and ſhall not contain leſs in Length, in each Piece, than Seven Yards and an Half; and all Muſlins made for Aprons, when whitened, ſhall be full Yard and Eighth in Breadth, and the ſame in Length; and all Muſlin Handkerchiefs, when whitened, ſhall be full Three Quarters, or full Seven Eighths in Breadth, and the ſame in Length; and all Muſlins for Neckcloths or Cravats, ſhall, when whitened, be in Breadth full Half Yard, or full Five Eighths, and in Length full Three Quarters, or full Yard and Half of made Cloth; and all Sorts of Bengalls made of Cotton and Linen, ſhall be in Breadth full Five Eighths, or full Three Quarters, or full Seven Eighths, or full Yard, or full Yard and Sixteenth, or full Yard and Eighth, or full Yard and Quarter; and each Piece of broad, double or ſingle Dornick, or Diaper, made for Table-Cloths, ſhall be full Two Yards, or full Two Yards and Quarter in Breadth; and each Piece of whole or double Dornick or Diaper, made for Table-Napkins or Towelling, ſhall be in Breadth full Half Yard, or full Five Eighths, or full Three Quarters, or full Seven Eighths, or full Yard; and all dyed Yarn, that ſhall be wrought into any chequered Linen or Handkerchiefs, Tickings or Bengalls, ſhall be of a ſufficient Dye that will hold in waſhing.

LXIV. *Sect.* 12. When any Cloth ſhall be offered to be inſpected and ſtamped, the Stamp-maſter or Lapper ſhall, after in-

inſpecting the Cloth, meaſure the ſame, and mark upon each End thereof the juſt Length or Number of Yards each Piece contains, and likewiſe the Breadth of it; and if any Piece, which ſhall be offered to be ſtamped as of five Eighths of a Yard Broad, come ſhort of that Breadth in any Part of the Piece, then it ſhall be marked as of the next lower Denomination, *viz.* half a Yard, and ſo of all the other Breadths herein mentioned.

LXV. *Sect.* 13. Every Weaver ſhall, at the End of every Piece of plain, brown or white Linen Cloth which he ſhall Weave, run a coarſe coloured Thread through every two Hundred Threads of the Warp of the Cloth, ſo as to diſtinguiſh the Number of Hundreds of Threads in the Warp of the Cloth, and alſo another coarſe coloured Thread within a Quarter of an Inch of the former, in like Manner through every forty Threads of the Warp of the Cloth, ſo as to diſtinguiſh the Numbers of Biers or Scores of Threads in the Breadth of the Cloth; and if any Weaver ſhall omit to weave ſuch Threads, or ſhall ſo mark his Cloth with a coloured Thread, as to make it appear to contain more Threads in the Breadth, than it really does, he ſhall for every Offence, being convicted thereof, forfeit not more than 5 *l.* or leſs than 20 *s.* to the Uſe of the Informer.

LXVI. *Sect.* 14. No Perſons ſhall make Uſe of any Lime, Pigeons Dung, or Soap Dregs for bleaching or whitening any Linen Cloth, or Linen Yarn, on Pain, on Conviction thereof, to forfeit to the Informer the Linen Cloth or Linen Yarn ſo whiten'd or Bleached, and alſo 5 *l.* Sterling; and if the Linen or Yarn ſo whitened ſhall not be found, it ſhall be lawful for the Juſtice of Peace, or Magiſtrate within any Burrough, before whom ſuch Complaint ſhall be made to ſet a Fine upon the Offender at his Diſcretion, not exceeding 5 *l.* Sterling, to be levied, together with the former Penalty of 5 *l.* in the Manner herein after directed; and the Offender ſhall alſo be incapable to bleach or whiten any Linen Cloth or Linen Yarn, for the Space of two Years after ſuch Conviction.

LXVII. *Sect.* 15. It ſhall be lawful for one or more Juſtices of the Peace, or any Magiſtrate within any Burrough, in their reſpective Juriſdictions, by a Warrant under his Hand, to Summon the Servant of any Bleacher or Dealer in Hempſeed or Lintſeed, or any other Perſons, to appear before him, and to examine him on Oath what he knows of his Maſter, or any other Perſon's uſing of Lime, Pigeons Dung, or Soap-Dregs, in the Bleaching of Linen Cloth or Linen Yarn, during three Months immediately preceding ſuch Examination, and of their mixing different Parcels of Hempſeed or Lintſeed together, or of their vending or offering

to Sale Hempſeed or Lintſeed of a Different Growth, or as imported from a different Country from that it really was; and if ſuch Servant, or other Perſon, being ſo ſummoned, ſhall refuſe to appear on ſuch Summons, the Juſtice or Magiſtrate may iſſue his Warrant to apprehend and bring before him ſuch Servant or Perſon: And if he ſhall appear, and refuſe to be examined and anſwer upon Oath to the ſaid Purpoſes, the Juſtice or Magiſtrate may commit ſuch Offender to the adjacent Gaol or *Tollbooth*, till he ſubmit to be examined; the Perſon deſiring ſuch Oath to be adminiſtred to ſuch Servant or other Perſon, firſt making Oath, (if required) that he believes the Perſon, whom he deſires may be examined on Oath, knows and can diſcover ſome Breach of this Act committed in the ſaid Matters, if the Servant or other Perſon be obliged to take ſuch Oath: Provided nevertheleſs, that ſuch Servant or Perſon ſhall not be liable to any Puniſhment for any Matter or Thing relating to the Crime, which he ſhall upon his Examination diſcover.

LXVIII. *Sect.* 16. It ſhall be lawful for all Perſons, appointed by the Truſtees for improving the Hempen and Linen Manufactures, or by any Juſtices of the Peace or Magiſtrates, within any Burrough, by Warrant under their Hands, to enter into any Bleach-yard, Buck-houſe, and Places thereto belonging, at any Hour of the Day, and view and ſearch all Places, Rooms, Receivers, and Boilers therein, and view the Lees, and Refuſe and Dregs thereof; and if any Lime, Pigeons Dung, or Soap-Dregs has been mixed with the Lees, the Poſſeſſors of ſuch Bleach-yards, *&c.* and the Perſons working therein, ſhall incur the Penalties by this Act inflicted on Perſons that make uſe of Lime, *&c.* in Bleaching Linen Cloath or Yarn.

LXIX. *Sect.* 17. The Conſtable, who by Virtue of a Warrant from any ſuch Juſtice, and Magiſtrate within any Burrough, ſhall ſeize ſuch Cloth or Yarn, bleached with Lime, Pigeons Dung, or Soap-Dregs, or levy the Value thereof, or the Penalties in this Act mentioned, ſhall be allowed by the Proſecutor for his Pains, after the Rate of 2 *s.* in the Pound for what he ſhall ſo ſeize or levy; and if any Conſtable neglect or refuſe to execute any ſuch Warrant, and be convicted thereof, he ſhall, for every ſuch Offence forfeit 5 *l.* Sterling to the Proſecutor; and it ſhall be lawful for the Perſon aggrieved to complain thereof to the ſame or any other Juſtice or Magiſtrate; who is to Summons the Perſon concerned before him, and ſummarily to hear and determine the Complaint, and iſſue a Warrant to any Conſtable to levy the ſaid Penalty of 5 *l.* Sterling.

LXX. *Sect.* 18. It ſhall be lawful for his Majeſty, by Letters Patent under the Great Seal, appointed by the Treaty of Union

Union to be kept in *Scotland*, to appoint any Number of Perſons, reſiant in *Scotland*, not exceeding the Number of Twenty-one, to be Truſtees for Overſeeing, Directing and better Improving the ſaid Linen and Hempen Manufactures in *Scotland*, with Power to the ſaid Truſtees, or any Number of them by the ſaid Letters Patent to be determined, to aſſemble at ſuch Places, and to make ſuch Rules and Orders for the Improvement of the ſaid Manufactures, and for preventing Abuſes therein, as they ſhall think convenient, conſiſtent with the true Meaning of this Act, and with the Laws and Statutes of the Realm.

LXXI. *Sect.* 19. It ſhall be lawful for the Truſtees to licenſe and appoint ſuch fit and proper Perſons, in ſuch Places of *Scotland* as they ſhall judge moſt convenient, to view, examine, lap up, mark and ſtamp all ſuch Linen Cloth as ſhall be expoſed to Sale, and to direct ſuch Stamps to be made Uſe of as they ſhall think proper.

LXXII. *Sect.* 20. All Dealers in Linen Cloth, before they ſell or expoſe any ſuch Cloth to Sale (if the ſame be white) ſhall, as ſoon as it is whiten'd and dried, carry it in a Waterfold of a Yard or Half-yard in Length to the Place where the Lapper or Stamp-maſter ſhall reſide, there to be inſpected, marked, lapped up, and ſtamped by him, in the Manner herein after directed; and if the Lapper or Stamp-maſter ſhall find ſuch Piece of Cloth to be of an equal Breadth from one End to the other, and to be of equal Fineneſs and Thickneſs throughout the whole Piece, and to have two coarſe coloured Threads work'd in the End of the Piece, as before directed, and that the Number of Threads in the Warp agrees with the Number mark'd by the two coarſe coloured Threads, and to be wrought and whitened in all Reſpects purſuant to the Rules and Orders for regulating the Linen Manufacture, then and not otherwiſe, the Perſon ſo licenced to be Lapper and Stamp-maſter, ſhall, upon both Ends of the Piece, affix a Seal or Stamp, with the Name of the Lapper, and County in which he reſides, or ſuch other Impreſſion as the Truſtees ſhall think fit to appoint, and ſhall likewiſe, on each End of the Piece, mark the Breadth of it, and the exact Number of Yards it contains, and thereafter lap it up. For all which the Lapper or Stamp-maſter may demand and take, for each forty Yards of Linen Cloth not exceeding ten Pence Sterling *per* Yard in Value, 1 *d.* ſterling, and no more; and for each forty Yards of Linen Cloth of any Kind, of a higher Value, 2 *d.* Sterling, and no more; and ſo in Proportion for a greater or leſſer Quantity; but if he be employed to beetle the ſame, then he may demand 1 *d.* more for each forty Yards of Cloth ſo beetled by him, and in Proportion for a greater or leſſer

Quantity; and if any Diſpute ariſe between the Stamp-maſter and the Proprietor of any Cloth, offered to be ſtamped, about the Value thereof, if the Proprietor inſiſt that his Cloth is of no higher Value than 10 *d. per* Yard, and to have it ſtamped as of that Price; in that Caſe it ſhall be lawful for the Stamp-maſter to buy and take the ſaid Cloth himſelf at the Rate of 10 *d. per* Yard, and to pay the Proprietor for it at that Rate; otherwiſe, if the Stamp-maſter refuſe to take the Cloth, and pay for it, at the Rate of 10 *d. per* Yard, he ſhall be obliged to ſtamp it as of that Value; provided the Cloth be made according to the Rules and Directions preſcribed by this Act.

LXXIII. *Sect.* 21. No Perſon ſhall ſell, or expoſe to Sale, any Sort of Manufacture made of Linen Yarn, till the ſame be brought to the Lapper, and by him inſpected; and if the Lapper ſhall find that the ſame is made according to the Directions in this Act, he ſhall meaſure, mark, ſtamp, and lap up the ſame within 24 Hours at fartheſt after it ſhall be offered to be inſpected, *&c.* And if any Lapper ſo licenſed, ſhall mark, ſeal, or ſtamp any Piece of Cloth that is not made according to the Rules and Directions before mentioned, or ſhall mark on the ſame a greater Number of Yards than each Piece contains in Length, or ſhall mark the ſame as of a greater Breadth than it really is, or commit any other Offence in Relation to the Premiſſes, ſuch Lapper ſo offending, being thereof duly convicted in the Manner after mentioned, ſhall make good the Damages to the Party who bought the Cloth on the Credit of the Stamp, and ſhall likewiſe forfeit 5 *l.* Sterling for every inſufficient Piece of Cloth ſo ſtamped or wrong marked, for the Uſe of the Informer, and ſhall be diſmiſſed from his Office as Lapper or Stamp-maſter, and rendred incapable of ſerving in any ſuch Office for the future.

LXXIV. *Sect.* 22. If any Perſon ſhall ſell, expoſe to Sale, or pack up for Sale, or in Order to be ſent or carried by Land or Water, or entred for Exportation by Sea, any Linen Cloth, not being ſtamped and marked as aforeſaid, the Perſon ſo offending, being duly convicted thereof, as is herein after mentioned, ſhall forfeit 5 *l.* for each Piece of Cloth ſo ſold, expoſed to Sale, or packed up for Sale, *&c.* which Penalty ſhall be levied in Manner after mentioned.

LXXV. *Sect.* 23. Every Perſon who ſhall buy any Linen Cloth of the Manufacture of *Scotland*, not being marked and ſtamped, ſhall forfeit for every Piece ſo bought 5 *l.* ſterling, to be paid to the Informer, and levied in the ſame Manner, as the Penalties hereby directed to be levied on Perſons ſelling Linen Cloth not duly ſtamped.

LXXVI. *Sect.* 24. It ſhall be lawful for any Perſons, duly authoriſed by the Truſtees, or any five or more of them, by Writing under their Hands and Seals for that Purpoſe, or by a Warrant under the Hand and Seal of one or more Juſtices of the Peace, or of any Magiſtrate within any Burrough, to ſearch in the Day-Time all Ware-houſes, Shops, Cellars, or other Places, where they have Reaſon to ſuſpect there is any Cloth not duly marked and ſtamped, and to open any Packs where they ſuſpect there is any ſuch Cloth packed up; and if any ſuch ſhall be found by the Perſons ſo ſearching, they may ſeize and bring the ſame before the next Juſtice or Magiſtrate, who are to declare the ſame to be forfeited for the Uſe of the Seizor, and may impoſe Fines on the Poſſeſſors or Owners of ſuch Ware-houſes, *&c.* where ſuch Linen ſhall be found, and on the Perſons who packed it up, not exceeding 5 *l.* Sterling, for the Uſe of the Informer.

LXXVII. *Sect.* 25. If any Perſon ſhall counterfeit any Seal or Stamp made in Purſuance of this Act, and be thereof lawfully convicted before the Court of Juſticiary at *Edinburgh*, or in the Circuits, he ſhall incur the ſame Pains and Penalties, as Perſons by the Law of *Scotland* convicted of Forgery.

LXXVIII. *Sect.* 26. No Linen Cloth ſhall be lapped up for Sale when it is wet or damp, nor with any Chalk, Duſt, or Flour; and all Perſons who ſhall make up Linen Cloth for Sale when it is wet, *&c.* being thereof convicted, ſhall forfeit ſuch Cloth for the Benefit of the Informer.

LXXIX. *Sect.* 27. When any Piece of Linen Cloth, or any Sort of Manufacture made of Linen Yarn, ſhall be brought to a Lapper in Order to be inſpected and ſtamped, and ſuch Lapper ſhall be of Opinion that the ſame is not ſufficient merchantable Cloth, and made according to the Rules before preſcribed, he may detain the ſame, till ſuch Time as it may be tried and determined how far the ſame is proper to be marked and ſtamped; and every ſuch Lapper ſhall be obliged, and is hereby required, on Requeſt made to him by the Owner of the ſaid Cloth, within Twenty-four Hours at fartheſt after ſuch Cloth ſhall be ſo ſeized and detained, to apply to one or more Juſtices, or to any Magiſtrate within any Burrough, who are forthwith to direct two or more proper Perſons, converſant and skilled in ſuch Manufacture, to inſpect the Cloth ſo ſeized, and on Oath to report their Opinion of the ſaid Cloth; and if they report to the Juſtices or Magiſtrates, that it is not merchantable Cloth, nor made according to the Laws for regulating the ſame, the Cloth ſhall be adjudged forfeited, and cut into ſeveral Pieces, and delivered to the Stamp-maſter or Lapper for his

own Uſe; and the Owner thereof ſhall forfeit and incur the Penalties by this Act before impoſed on ſuch Perſons as ſhall make Cloth contrary to the Rules herein before preſcribed; but if the Perſons ſo to be named as aforeſaid, ſhall report that the Cloth is duly and regularly made, as it ought to be, then the Lapper is hereby required forthwith to mark, ſtamp and lap up the ſame in ſuch Manner as is before directed, without any Fee or Reward.

LXXX. *Sect.* 28. When any Juſtice or Magiſtrate ſhall condemn a Linen Cloth brought before him to be forfeited for not being made according to Law, he ſhall, before he deliver it to the Informer, cauſe it to be cut into ſeveral Pieces, none of which ſhall exceed ſix Yards in Length.

LXXXI. *Sect.* 29. It ſhall be lawful for the Truſtees, or any five or more of them, to give ſuch particular Names or Denominations as they ſhall think proper to the ſeveral Pieces of Cloth of different Sorts, Breadths and Lengths, ſo as they may by ſuch Names be eaſily diſtinguiſhed of what Sort, Length, and Breadth they are; and all Perſons ſelling any Linen Cloth, may affix a Libal of Parchment to each Piece of Cloth, containing the Name of the particular Species of the Cloth, with the Length and Breadth thereof.

LXXXII. *Sect.* 30. It ſhall be lawful for every Trader, Dealer, or Weaver of Linen Manufacture, to weave his Name, or fix ſome known Mark, in any Piece of Linen by him made; and if any other Perſon ſhall counterfeit ſuch Mark or Name being thereof lawfully convicted on the Oath of one or more credible Witneſſes, before two Juſtices of the Peace, or Mgiſtrates within any Burrough, he ſhall forfeit 100 *l.* for the Uſe of the Perſon whoſe Mark ſhall be ſo counterfeited, to be levied and paid in ſu ch Manner as is after mentioned.

LXXXIII. *Sect.* 31. All Offences againſt this Act (except the Counterfeiting the Stamps or the marks of the private Dealers or Weavers) ſhall be heard and determined by one or more Juſtices of the Peace, or any Magiſtrate or Magiſtrates within any Borough, within their reſpective Juriſdictions, who upon Complaint ſhall, upon Examination of Witneſſes on Oath, adjudge and determine the ſame, and iſſue his or their Warrant to one or more of the Conſtables or Officers of the County, City, Burrough, or Town, requiring them to *poynd* and *diſtreuzer* according to the Practiſe of the Law of *Scotland* in Caſes of *Poynding*, ſo much of the Offenders Goods and Gear, as will ſatisfie the ſeveral Penalties incurred and forfeited; which Warrant for *Poynding* ſhall not be ſtopped or ſiſted by any Suſpenſion, Siſts or other Proceſs whatſoever, except an Appeal entred in Manner after mentioned: Which Penalties, when ſo levied, ſhall belong and be paid to the Informer, firſt deducting 2*s.* in the Pound, to be paid to the Conſtable or Officer for executing the Warrant;

Warrant; and in Caſe no ſufficient Diſtreſs can be found, then the Juſtices or Magiſtrates, by Warrant under his or their Hands and Seals, ſhall commit ſuch Offenders to the Houſe of Correction, or next Gaol or *Tallbooth*, for ſo long Time as they ſhall think proper, not exceeding one Year in the whole.

LXXXIV. *Sect.* 32. If any Perſon ſhall find himſelf aggrieved by the Determination of the Juſtices or Magiſtrates, he may, immediately after Sentence is pronounced againſt him, enter his Appeal, in Preſence of the Juſtices or Magiſtrates, from the ſaid Sentence, to the Determination of the Juſtices of the County, or Burrough, at the next General Quarter-Seſſions; of which Appeal the ſaid Juſtices are hereby appointed to make a Minute, and by Warrant under their Hands to ſtop Execution of the Sentence ſo appealed from, till the End of the next Quarter-Seſſions: And the Juſtices at their Quarter-Seſſions are hereby impowered and required to proceed upon, and to hear and finally determine in the Appeal; and if they give Judgment againſt the Appellant, to decree him to pay the full Coſts of the Appeal, and further to pay a Fine not exceeding double the Penalty for which the Original Sentence was given.

LXXXV. *Sect.* 33. If any Juſtice or Magiſtrates ſhall neglect or refuſe to execute the Powers of this Act, and ſhall not put the ſame in Execution, (to the Diſcouragement of the Linen Manufacture) ſuch Neglect, or Refuſal, or Malverſation ſhall be taken to be a Point of *Dittay*; and it ſhall be lawful for any Perſon aggrieved thereby, with the Approbation of any five or more of the Truſtees, to be ſignified in a Certificate under their Hands, to proſecute the ſaid Juſtice or Magiſtrate before the Lords of the Juſticiary at *Edinburgh*, or in their Circuits for the Diſtrict within which the Offence was committed; and if the Juſtice or Magiſtrate ſhall be thereupon convicted, the Lords of the Juſticiary may ſet a Fine on him, not exceeding 100 *l.* Sterling.

Naval Stores.

LXXXVI. *Stat.* 2 G. 2. *c.* 35. *Sect.* 12. Every Perſon, or Bodies Corporate, that ſhall, after the 29th of *September*, 1729, during the Time limited for the granting of Premiums to the Importers of Naval Stores from *America*, by Virtue of this Act, bring from *North Britain* into any Port of *South Britain*, any Trees of twelve Inches Diameter, and upwards, fit for Maſts, Yards or Bow-ſprights, regularly converted, and hewed, at leaſt, into eight Squares, ſound, freſh, and in good and merchantable Condition, ſhall have as a Pre-

mium for bringing ſuch Trees, *per* Ton (allowing 40 Foot to each Ton, Girt-Meaſure) the Sum of 1 *l.* which ſhall be paid in lawful Money of *Great Britain*, by the Commiſſioners or Principal Officers of his Majeſty's Navy, who are to make out Bills to be paid in Courſe for the ſame, upon Certificate of the chief Officers of the Cuſtoms in any Port of *South-Britain*, where ſuch Trees ſhall be imported; ſuch Bills to be made out and given to the Perſons or Bodies Corporate, importing the ſame within 20 Days after the Diſcharge and unloading of the Ship in which ſuch Trees ſhall be imported, on a Certificate to be produced to the chief Officers of the Cuſtoms, where ſuch Trees ſhall be imported, under the Hands and Seals of the Controller and Collector of the Cuſtoms, and ſuch Naval Officer as his Majeſty ſhall appoint, or any two of them, reſiding at any ſuch Port in *North-Britain*, as his Majeſty under the Great Seal of *Great Britain* ſhall appoint, where ſuch Trees ſhall be embarked in Order for Importation into any Port of *South-Britain*, That before the Departure of ſuch Ship, the Perſons, Traders or Factors, concerned or employed in cutting down ſuch Trees or any two of them, had made Affidavit in Writing before ſuch Controllor and Collector of the Cuſtoms in *North-Britain*, and ſuch Naval Officer as his Majeſty ſhall appoint, or any two of them, that ſuch Trees were really and *bona fide* of the Growth of *North-Britain*; in which Affidavit the particular Number, Quantity, and Qualities of ſuch Trees, together with the Time when they were cut down, the Names of the Proprietors thereof, and the Places where they did grow, ſhall be fully and plainly ſpecified: Which Affidavit the ſaid Controller and Collector of the Cuſtoms in *North-Britain*, and ſuch Naval Officer as his Majeſty ſhall appoint, or any two of them, are hereby impower'd to take, and to adminiſter ſuch Oath, and the ſame Affidavits to keep in their Cuſtody, and in which Certificate a true Copy of ſuch Affidit ſhall be inſerted; as likewiſe upon Oath to be made within any Port of *South-Britain*, by the Maſter of the Ship importing ſuch Trees, that the ſame were truly laden on Board ſuch Ship within *North-Britain*, and that he knows, or believes that the ſaid Trees were of the Growth of *North-Britain*. Provided, That the Pre-emption or Refuſal of ſuch *North-Britiſh* Trees ſhall be offered to the Commiſſioners of the Navy upon landing the ſame; and if within 20 Days after ſuch Tender, the ſaid Commiſſioners ſhall not contract or bargain for the ſame, the Importer, or Owner, may otherwiſe diſpoſe thereof.

LXXXVII. *Sect.* 13. If any Perſon ſhall, during the Continuance of this Act, falſly make Affidavit of, and ſwear to, the Growth of Trees imported as fit for Maſts, Yards, or Bow-ſprights, not being of the Produce of *North Britain*, or ſhall

ſhall counterfeit any ſuch Affidavit or Certificate, as is before directed, in Order to get the Premium hereby granted for *North-Britiſh* Trees, he ſhall ſuffer the like Pains and Penalties as are incurred by Perſons committing wilful and corrupt Perjury; and ſuch Offender ſhall forfeit 100 *l.* one Moiety to the King, the other to any Perſon that will ſue for the ſame in any Court of Record of *Great Britain*, wherein no Eſſoign, *&c.* or more than one Imparlance ſhall be allowed. And if any Controller, Collector, or Naval Officer, ſhall make any falſe Certificate, contrary to the Meaning of this Act, he ſhall incur the like Pains and Penalties, as any Officer of any Port for the like Offence is, for making a falſe Certificate for Goods and Merchandizes, liable to by the Act 13 & 14 *Car.* 2. *c.* 11. *For preventing Frauds, and regulating Abuſe in his Majeſty's Cuſtoms*; (*which ſee in* Vol. I. Tit. CUSTOMS, Par. LII.)

LXXXVIII. *Sect.* 14. If the Maſter or Owner of any Veſſel ſhall clandeſtinely import, or receive in ſuch Veſſel, to be imported into *South-Britain*, any Trees fit for Maſts, Yards, or Bowſprights, not being of the Growth of *North-Britain*, as Trees of the Growth of *North-Britain*, knowing the ſame to be Foreign Trees, and ſhall demand or receive for ſuch Foreign Trees the Premium hereby granted for *North-Britiſh* Trees, ſuch Maſter or Owner ſhall forfeit 100 *l.* to be ſued for and recovered in Manner aforeſaid; and the Veſſel, in which ſuch Foreign Trees ſhall be ſo fraudulently imported, with her Guns, Tackle, Apparel and Furniture, ſhall be forfeited to the Crown.

LXXXIX. *Sect.* 15. The Exportation of all Maſts, Yards, and Bowſprights of the Growth of *Scotland*, after the Twenty-ninth of *September* next, ſhall be under the ſame Reſtrictions, Regulations, Payments and Penalties, as are directed in this Act to be obſerved, paid and performed on the Exportation of Maſts, *&c.* imported from the Plantations.

XC. *Sect.* 17. The ſaid Premiums upon Maſts, *&c.* ſhall be paid on the Importation thereof, during the Term of Thirteen Years, to commence from the Twenty-ninth of *September*, 1729, and from thence to the End of the next Seſſion of Parliament, and no longer.

Oaths.

XCI. Stat. 1 *G.* 2. *Seſſ.* 2. *c.* 23. *Sect.* 4. Every Perſon imployed in any Office, Civil or Military, in *Scotland*, who by Virtue of this Act ſhall take and ſubſcribe the Oaths and Aſſurance herein mentioned, in the Court of Chancery,

King's Bench, Common Pleas, or Exchequer at *Weſtminſter*, ſhall, within Three Months after the taking and ſubſcribing ſuch Oaths and Aſſurance, tranſmit to the Court of Seſſion, Juſticiary, or Exchequer in *Scotland*, or to any of the Principal Clerks of Seſſion, the Principal Clerk of Juſticiary, or the King's Remembrancer in the Court of Exchequer in *Scotland*, a Certificate of his having taken the ſame, according to the Directions of the Act 8 *A.* *c.* 14. under the Penalties and Forfeitures in the ſame Act mentioned and provided in that Behalf: *Which ſee in* Vol. III. Tit. Scotland, Par. cxxviii, & ſeq.

Salt.

XCII. Stat. 11 G. 1. *c.* 30. *Sect.* 40. The Barons of the Exchequer in *Scotland*, upon receiving a ſatisfactory Proof of the Quantities of Salmon and Codfiſh, which were actually and really in Hand on the Twenty-fourth of *June*, 1719, duly cured with Foreign Salt, and legally exported, the Duties whereof have been either paid or ſecured, ſhall order the proper Officers to make out Debentures to the Proprietors or Curers of ſuch Fiſh, certifying the Allowances for the Fiſh contained in ſuch Debentures, to be the ſame as were payable before the Twenty-fourth of *June*, 1719, and to be paid in the ſame Manner.

Treaſon, and Traitors Eſtates.

XCIII. Stat. 13 G. 1. *c.* 28. The Preamble recites the Act 1 G. 1. *c.* 50. *For appointing Commiſſioners to enquire into the Eſtates of certain Traitors*, &c. and the Act 4 G. 1. *c.* 8. *For veſting the forfeited Eſtates in Truſtees for the Uſe of the Publick*, &c. And that whereas by a Clauſe in the Act 9 G. 1. *c.* 19. the Powers for hearing and determining the Claims on the forfeited Eſtates, which by Virtue of the Acts 5 G. 1. *c.* 22. and 7 G. 1. *c.* 22. were continued to the Twenty-fourth of *June*, 1722, with reſpect to the Commiſſioners and Truſtees acting in *Scotland*, were enlarged and continued to the Twenty-ſixth of *March*, 1724, and the Powers granted to his Majeſty for appointing Courts of Delegates to determine Claims and Caſes of Appeals from the ſaid Commiſſioners and Truſtees, and reſpecting ſuch Courts of Delegates in *Scotland* only, were enlarged and continued to the Twenty-ninth of *April*, 1724: And whereas by another Clauſe in the Act laſt mentioned, it is declared, That the forfeited Eſtates

Eſtates in *Scotland*, by any former Acts veſted in the Commiſſioners and Truſtees, which on the Twenty-ſixth of *June*, 1724, ſhould remain unſold, ſhould be deveſted out of the ſaid Commiſſioners and Truſtees, and veſted in the King for the Uſe of the Publick: And whereas on the ſaid Twenty-ſixth of *June*, 1724, certain of the ſaid forfeited Eſtates remain unſold, which are now reveſted in his Majeſty for the Uſe of the Publick; and certain Appeals taken againſt the Judgments and Determinations of the ſaid Commiſſioners and Truſtees remained undecided; the Time limited for the Deciſion of the Court of Delegates having expired before they could regularly hear and determine thoſe Appeals: Be it therefore enacted,

Sect. 1. That the Barons of his Majeſty's Court of Exchequer in *Scotland*, or any Three of them, ſhall be hereby impowered and required to expoſe to Sale, and ſell to the higheſt Bidder, the ſaid forfeited Eſtates, and every Part of them, in the ſame Manner, and according to the ſame Rules that the Commiſſioners and Truſtees were to act under, and to apply the Rents and Profits of the ſaid Eſtates 'till ſold, and the Produce of them when ſold, in the ſame Manner that the Commiſſioners and Truſtees were obliged and directed to apply the ſame, and to do every other Matter and Thing in Reſpect to the Sale of the ſaid Eſtates, and the appointing Receivers and Stewards on ſuch Eſtates 'till ſold, in ſuch Manner, and according to ſuch Rules, as the ſaid Commiſſioners and Truſtees were appointed to do.

XCIV. *Sect.* 2. The ſaid Barons ſhall, as ſoon as conveniently may be, call every Purchaſer of the forfeited Eſtates, who hath not paid the full Price, or Conſideration-Money, into the Exchequer of *Scotland*, to account; and if ſuch Purchaſer, by himſelf, or ſufficient Attorney, ſhall refuſe to appear, or ſhall not pay into the Receipt of the ſaid Exchequer, at the Time to be appointed by the Barons, the Money that ſhall remain unpaid, he ſhall forfeit to his Majeſty, for the Uſe of the Publick, one Fifth Part of ſuch Conſideration-Money; and the Eſtate ſo bought ſhall be ſubject to the Payment of the ſaid Fifth Part of the Price; and of the remaining Part of the Conſideration-Money; preferable to all other Debts and Incumbrances charged on the ſaid Eſtates by ſuch Purchaſers.

XCV. *Sect.* 3. It ſhall be lawful for the ſaid Barons, or any Three of them, and they are hereby required, upon Payment into the Exchequer of the full Conſideration-Money agreed for, to execute to the reſpective Purchaſer, ſuch Indentures of Bargain and Sale, and after the ſame Manner and Form, as the ſaid Commiſſioners and Truſtees were appointed

appointed to execute in that Reſpect, and to grant and paſs Charters thereon, as is directed by the Act 5 G. 1. c. 22. for better explaining the Nature of Conveyances, to be made to the Purchaſers of the forfeited Eſtates; or by the Act 4 G. 1. c. 8. for quieting the Minds of the Claimants on the ſaid Eſtates, who have taken Exceptions, and have entred Appeals againſt the Determinations of the Commiſſioners and Truſtees, and where Appeals were not heard and determined by the Court of Delegates before the Twenty-ninth of *April*, 1724.

XCVI. *Sect.* 4. It ſhall be lawful for his Majeſty, by Commiſſion under the Seal appointed by the Treaty of Union to be kept in *Scotland*, in Place of the Great Seal thereof, to appoint and authorize any Five of the Judges of *Scotland*, the major Part whereof to be a *Quorum*, to be a Court of Delegates, who are hereby impowered to proceed upon, hear and determine the ſaid Appeals, in the ſame Manner, and by the ſame Rules, as the ſaid Court of Delegates might have proceeded before the Twenty-ninth of *April*, 1724; and the Judgments and Determinations of the ſaid Court of Delegates ſhall be of the ſame Validity and Effect, and may be reverſed and amended in the ſame Manner, as by the ſaid Act of 4 G. 1. c. 8. the Judgments and Determinations of the Court of Delegates, formerly eſtabliſhed, were to be reverſed and amended, and not otherwiſe.

XCVII. *Sect.* 5. All the Books, Writings, Inſtruments, and Records belonging to, lodged with, or delivered to the Commiſſioners and Truſtees, in Reſpect of the Office and Truſt committed to them, or the Eſtates veſted in them, or the Claims exhibited to, or determined by them, ſhall, on or before the Twelfth of *June*, 1727, be by them deliver'd into the Court of Exchequer, there to remain for Cuſtody and Preſervation; and all the Books, &c. in the Cuſtody of the Court of Delegates, formerly eſtabliſhed, or their Officers, ſhall, by the ſaid Twelfth of *June*, be delivered to the Court of Delegates, to be eſtabliſhed in Purſuance of this Act, to remain with them 'till they have determined all the Appeals that ſhall be brought before them, and afterwards to be delivered into the Court of Exchequer, for the ſame End and Purpoſe.

XCVIII. *Sect.* 6. Where any Claim, already determined by the Commiſſioners and Truſtees, and Court of Delegates in *Scotland*, or that ſhall, in Purſuance of this Act, be determined by the ſaid Court of Delegates, contains a Demand of Money affecting any forfeited Eſtate, the Court of Delegates are hereby impowered to iſſue their Precepts for Payment of ſuch Sum to ſuch Claimant, or his Aſſigns, out of the Monies paid into the Exchequer from ſuch forfeited Eſtate, with

with legal Intereſt; and that in the firſt Place without any Fee or Deduction.

XCIX. *Sect.* 7. As to ſuch Sale and Conveyances as ſhall be made by the ſaid Barons, of any of the forfeited Eſtates remaining unſold, ſuch Eſtates ſhall be liable to the Payment of the ſame ancient yearly Few Duties, as were payable to the Crown before the ſaid Forfeiture.

C. *Sect.* 8. The Net Monies ariſing by the forfeited Eſtates in *Scotland*, ſhall, after Payment of the juſt and lawful Creditors, and the neceſſary Charges of bringing in, managing, and accounting for the ſame, be applied as by any Act of Parliament is directed, and to no other Uſe.

CI. *Sect.* 9. Nothing herein contained ſhall extend to leſſen, prejudice, poſtpone, or defeat any Right, Title, or Intereſt, either in Law or Equity, which the Proprietors of Annuities, granted by the Company of Undertakes for raiſing of *Thames* Water in *York-Buildings* (under the Proviſoes and Authorities of ſeveral Acts of Parliament) have, or ought to have, to any of the forfeited Eſtates, purchaſed, or contracted to be purchaſed by the ſaid Company; but the ſaid Eſtates, in whoſe Hands ſoever transferred, ſhall be chargeable with the Payment of ſeveral Annuities as Rent-Charges iſſuing thereout, in the ſame Manner as if this Act had never been made.

CII. *Sect.* 10. It ſhall be lawful for his Majeſty, by Warrant under his Royal Sign Manual, to diſcharge and indemnify the Tenants and Poſſeſſors of the Eſtate of the late Earl of *Seaforth*, (who have, ſince the Year 1715, been harraſſed and forced, as well by the Agents of the ſaid late Earl, as by others, who have committed Robberies and Depredations on their Poſſeſſions, and by Force of Arms have obliged them to pay their Rents, and other Contributions; and which Tenants and Poſſeſſors, in Obedience to the Act 11 *G.* 1. *c.* 26. *For the more effectual Diſarming the* Highlands *in* Scotland, did, in an exemplary Manner, deliver up their Arms for the uſe of his Majeſty, and have ſubmitted to the Payment of the Rents of their ſeveral Poſſeſſions, ſo far as they were able, for the Uſe of the Publick) of and from all Rents, Profits and Iſſues, payable by them in Reſpect of their Poſſeſſion of the ſaid Eſtate, from the Twenty-fourth of *June*, 1715, 'till the Fifteenth of *May*, 1725.

CIII. Stat. 1 G. 2. *Seſſ.* 2. *c.* 21. *Sect.* 1. It ſhall be lawful for his preſent Majeſty, his Heirs and Succeſſors, by Commiſſion under the Seal appointed by the Treaty of Union to be kept in *Scotland*, in Place of the Great Seal thereof, to nominate, authorize, and appoint any Five of the Judges of *Scotland*, the major Part of whom to be a

Quo-

Quorum, to be a Court of Delegates; and the ſaid Court are hereby authorized to hear and determine all Appeals of Claimants on the forfeited Eſtates, againſt the Determination of the late Commiſſioners and Truſtees of the ſaid Eſtates, and whoſe Appeals were not heard and determined by the Twenty-ninth of *April*, 1724, in the ſame Way and Manner, and by the ſame Rules, as the Court of Delegates, appointed by his late Majeſty in Purſuance of the Act 4 *G.* 1. *c.* 8. might and ought to have proceeded, by the ſaid Twenty-ninth of *April*, 1724; and the Judgments and Determinations ſo to be made and given by the Courts of Delegates, that ſhall be conſtituted by his preſent Majeſty in Purſuance of this Act, ſhall be of the ſame Validity, and may be amended and reverſed in the ſame Manner, as by the ſaid Act of 4 *G.* 1. the Judgments and Determinations of the Court of Delegates, formerly conſtituted, were to be reverſed and amended, and not otherwiſe.

CIV. *Sect.* 2. Where any Claim, that ſhall be determined by the Court of Delegates, conſtituted in Purſuance of this Act, ſhall contain a Demand of Money affecting any forfeited Eſtate, it ſhall be lawful for ſuch Court of Delegates, or the major Part of them, under their Hands and Seals, to iſſue a Debenture or Certificate to the Claimant for ſuch Sum of Money, in ſuch Manner as the late Commiſſioners and Truſtees, and Court of Delegates were impowered to do; and the Barons of the Exchequer in *Scotland*, or any Three of them, ſhall cauſe all ſuch Monies as ſhall be contained in ſuch Debenture or Certificate, and alſo all ſuch other Sums, as ſhall be contained in any Debentures iſſued by the late Commiſſioners and Truſtees, or by the former Court of Delegates, or otherwiſe affecting the forfeited Eſtates, as ſhall remain unſatisfied, to be paid in the firſt Place, without any Fee or Deduction, to ſuch Claimants, or their Aſſigns, with Intereſt for the ſame, out of the Monies paid into the Receipt of Exchequer in *Scotland*, on Account of the forfeited Eſtates.

CV. *Sect.* 3. All Books, Writings, Inſtruments, and Records belonging to, lodged with, or delivered to the late Commiſſioners and Truſtees for the forfeited Eſtates in *Scotland*, in Reſpect of their Office and Truſt, or in Relation to the Eſtates veſted in them, and the Claims exhibited to, and determined by them, that have not been by them, or their Officers, delivered into the Court of Exchequer in *Scotland*, purſuant to the ſaid Act 13 *G.* 1. *c.* 28. whereby the ſaid Court could not proceed in the Execution of the Powers thereby given them, with Reſpect to the unſold forfeited Eſtates, ſhall, on or before the Twelfth of *June*, 1728, be by the ſaid Commiſſioners, or their Officers or Agents, deli-

delivered into the ſaid Court of Exchequer, to any Perſons appointed by that Court to receive the ſame; and ſuch Books, &c. ſhall remain there for the ſafe Cuſtody and Preſervation thereof; and if the ſeveral Regiſters, Clerks, Officers, or Agents imployed by the late Commiſſioners and Truſtees, in whoſe Hands the ſaid Books, &c. are, ſhall refuſe or neglect to deliver them up accordingly, then it ſhall be lawful for the Barons of the ſaid Court, or any Three of them, by Precept under their Hands, to ſummon before them all, or any of the ſaid Regiſters, Clerks, &c. and if they ſhall not appear before the Barons upon the Day and Time fixed in ſuch Precept; or if on their Appearance they ſhall refuſe to deliver up on Oath, all ſuch Books, &c. in their, or any of their Cuſtodies or Power; then the Barons ſhall, by Warrant under their Hands, commit ſuch Perſons to the next County Gaol, there to remain 'till they ſhall have complied with ſuch Order of the ſaid Court.

CVI. *Sect.* 4. All the Books, Writings, &c. in the Cuſtody of the Court of Delegates formerly eſtabliſhed, or of their Officers or Agents, ſhall, on or before the Twelfth of *June*, 1728, be delivered into the Court of Delegates to be eſtabliſhed in Purſuance of this Act, and ſhall remain with them, or with ſuch Perſons as they ſhall appoint to keep them, 'till the Delegates ſhall have determined all Appeals that ſhall be brought before them; and after ſuch Appeals ſhall be determined, ſuch Books, &c. ſhall be delivered over into the Court of Exchequer in *Scotland*, there to remain for the ſafe Cuſtody and Preſervation thereof.

Seamen.

I. Stat. 1 G. 2. *Seſſ.* 2. *c.* 9. *Sect.* 6. To the End that as well all Arrears of Seamens Wages, as their growing Wages, may be conſtantly, regularly, and punctually paid; be it Enacted, That not only as to ſuch Monies as have been granted this Seſſion for the Service of the Navy; but alſo as to ſuch Supplies as ſhall hereafter be granted for theſe Services, ſuch Parts thereof, as ſhall be on the Head of Seamens Wages, ſhall be iſſued and applied conſtantly, regularly, and punctually in Manner following, *viz.* When any of his Majeſty's Ships ſhall have been in Sea-pay Six whole Months, to commence or be computed from the Firſt Day of *July*, 1728, or any Time after, if ſuch Ships ſhall then be in any Port of *Great Britain*, not in Order to be diſcharged, or on the Coaſt, the Captain ſhall, immediately after the End of the Six Months, make out Pay-Liſts containing the Names of the inferior Officers, and able and ordinary Sea-

Seamen belonging to the Ship under his Command, and ſhall ſend the ſaid Liſts to the Commiſſioners of the Navy, who are to cauſe immediate Payment to be made of Two Months Wages to ſuch inferior Officers, and able and ordinary Seamen, or to their Attornies duly authorized to receive the ſame, deducting whatever Money ſhall have been paid on Account of the Wages, by Way of Allowance: And if any of the ſaid Ships, that ſhall have been Six Months in Sea-pay, ſhall be then in any Port of *Ireland*, or abroad in Foreign Parts, the Captain ſhall, immediately after the End of the Six Months, muſter his Crew, and enter the Names of ſuch inferior Officers, and able and ordinary Seamen, who ſhall deſire to have their Wages paid at Home in *Great Britain*, and ſhall tranſmit the ſaid Pay-Liſts to the Commiſſioners of the Navy, who within One Month after they ſhall have received the Liſts, are to cauſe Payment to be made of Two Months Wages, with ſuch Deduction as aforeſaid, to the Attornies of ſuch Perſons duly authorized to receive the ſame: And the ſaid Commiſſioners are required to give timely Notice in the *Gazette*, of the Time appointed by them for ſuch Payments; and when any of the ſaid Ships ſhall have been Twelve Months in Sea-pay, other Pay-Liſts ſhall be made out and tranſmitted, and Two Months Wages paid thereon in Manner aforeſaid; and ſo from Time to Time at the End of every enſuing Six Months, ſuch Pay-Liſts ſhall be made out and tranſmitted, and Two Months Wages paid thereon, 'till the Ships ſhall be finally paid off, and the Reſidue of their Wages ſhall be paid in Manner following, *viz.* As to all ſuch of his Majeſty's Ships as ſhall return home in Order to be laid up, the Wages due to the Officers and Seamen ſhall be paid within Two Months after the Arrival of the Ship in the Ports where ſhe is deſigned to be laid up: And as to all other Ships in his Majeſty's Service, the Wages due to the Officers and Seamen ſhall be paid as follows, *viz.* When ſuch Ships have been Eighteen Months in Sea-pay, the Wages due for the firſt Twelve Months thereof, deducting thereout what Monies have been paid by Way of Advance, or otherwiſe, in Part, or on Account of the ſaid Twelve Months Wages, ſhall be paid within Two Months after, or ſo ſoon after as any ſuch Ship ſhall put into any Port of this Realm, where his Majeſty's Ships are uſually paid; and ſo *totiès quoties*, as often as they ſhall have been Eighteen Months in Sea pay, beyond the Time to which their Wages ſhall have been cleared, Twelve Months Wages more ſhall be paid in like Manner.

II. *Sect.* 7. The Computation of the Months Wages ſhall be reckoned Twenty-eight Days to the Month, according to the uſual Courſe of the Navy.

III. *Stat.* 1 G. 2. *Seſſ.* 2. *c.* 14. *Sect.* 1. After the Firſt Day of *July*, 1728, if any Seaman, or able-bodied Landman, ſhall voluntarily enter his Name with any Commiſſion Officer of the Fleet, appointed for entring ſuch Voluntiers, in Order to ſerve on Board any of his Majeſty's Ships, then fitting out for Sea, or that ſhall be in Want of Men, and ſhall receive a Certificate of his ſo doing from ſuch Commiſſion Officer (who is required to give ſuch Certificate *gratis*, and duly to date the ſame) and if ſuch Perſon ſhall forthwith proceed towards ſuch Ship, and ſhall make his Perſonal Appearance on Board, within Fourteen Days from the Day of the Date of ſuch Certificate, incluſive of the Day of the Date thereof, if the Place where he ſo enters his Name be not above One hundred Miles diſtant from the Place where the Ship lies, or within Twenty Days, if it be at a greater Diſtance, or within Thirty Days, if it be above Two hundred Miles; then every ſuch Perſon ſhall be entitled to Wages from the Date of the Certificate, incluſive of the Day of the Date thereof, and ſhall alſo be allowed the uſual Conduct-Money, and be paid an Advance of Two Months Wages before the Ship goes to Sea.

IV. *Sect.* 2. If any inferior Officer, or able or ordinary Seaman, ſhall die in his Majeſty's Service, the Commander of the Ship in which he ſerved at the Time of his Death, ſhall immediately, or as ſoon as conveniently may be, make out a Ticket for the Pay due to him at the Time of his Death, and ſhall tranſmit the Ticket by the firſt Opportunity to the Commiſſioners of the Navy, for the Uſe of the Executor or Adminiſtrators of the Perſon ſo dying, or their Attorney, duly authorized in the Manner herein after appointed to receive the ſame, without tarrying for the Return of the Ship to which the Perſon ſo dying did belong, or the General Pay thereof.

V. *Sect.* 3. If any inferior Officer or Voluntier ſhall be turned over from one Ship into another, he ſhall not ſerve or be rated in a worſe Quality, or lower Degree or Station, than he ſerved in, or was rated for, in the Ship from which he was turned over; and ſhall receive over and above the Wages then due to him, an Advance of Two Months Wages, before the Ship, into which he is turned over, proceeds to Sea.

VI.

VI. *Sect.* 4. If any Ship be hindred by Accident from going to Sea, the Removal of the whole Crew, with their Officers, into another Ship, ſhall not be taken to be a Turning-over, within the Meaning of this Act.

VII. *Sect.* 5. No Perſon in Sea-pay, who ſhall with-draw himſelf from, or deſert the Service of his Majeſty, ſhall forfeit any more of the Pay or Wages due to him, than ſo much thereof as was due to him for his Service in the Ship from whence he deſerted; and no Tickets made out for the Wages of any Seaman ſhall be forfeited or ſtopt by his Deſerting after the making out of ſuch Ticket; but the ſame ſhall be duly paid.

VIII. *Sect.* 6. This Act ſhall not extend to take away, or alter the Puniſhment appointed by 13 *Car.* 2. *c.* 9. for ſuch Captains, Officers and Mariners, as ſhall deſert the Service of his Majeſty, or entice others ſo to do.

IX. *Sect.* 7. All and every Bargain, Sale, Bill of Sale, Contract, Agreement, and Aſſignment whatſoever, of any Pay, Wages, or Allowances of Money of any Kind, due or to grow due, to any Seaman in the Service of his Majeſty, for ſuch Service, which ſhall be made or entred into after the Firſt Day of *September*, 1728, ſhall be void, and of none Effect, any Law, Statute, Cuſtom, or Uſage to the contrary notwithſtanding. And the Treaſurer of the Navy is hereby required to pay to all ſuch Seamen as ſhall appear in Perſon at the Pay-Table, or, in their Abſence, to the lawful Attornies impowered by them in the Manner herein after directed, or to the Executors or Adminiſtrators of ſuch Seamen, or to their Attornies duly authorized, the Pay, Wages, or Allowances of Money of any Kind due to them, without Regard to any Bargain, Sale, Bill of Sale, &c. made, or to be made, of any Pay, Wages, &c. after the ſaid Firſt of *September*, 1728.

X. *Sect.* 8. Nothing in this Act ſhall extend to diſcharge any Seaman from any Debt which he has already contracted, or may hereafter contract, to make void the Sale of any Tickets made out for Pay, Wages, &c. to the Perſons poſſeſs'd of ſuch Tickets; but ſuch Sales ſhall be as good and valid, as they were before the making of this Act.

XI. *Sect.* 9. This Act ſhall not be conſtrued to invalidate or make void any Indenture, whereby a Maſter is intitled to have the Pay, or other Allowances of Money earned by his Apprentice; but ſuch Pay, &c. ſhall be paid by the Treaſurer of the Navy, according to ſuch Indentures, as has been uſual in ſuch Caſes, ſo as the Apprentice were not above the Age of Eighteen Years at the Time of executing the Indentures, in which Caſe no Pay ſhall be paid

paid by the Treaſurer of the Navy according to ſuch Indenture.

XII. *Sect.* 10. After the ſaid Firſt of *September*, 1728, no Letter of Attorney made by any Seaman in the Service of his Majeſty, or by the Executors or Adminiſtrators of any ſuch Seaman, in Order to impower and intitle any Perſon to receive any Pay, Wages, &c. of any Kind, due for ſuch Service, ſhall be valid or ſufficient for that Purpoſe, unleſs it be made revocable, and be ſigned before, and atteſted by the Captain or Commander, and one other of the ſigning Officers of the Ship to which ſuch Seaman belongs, or the Clerk of the Cheque of ſome of the Dock-Yards, or the Mayor, or chief Magiſtrate of ſome Corporation.

XIII. *Sect.* 11. When the Pay-Books of the Ships belonging to his Majeſty are cloſed, ſuch Seamen, as ſhall not then receive the Pay, Wages, or other Allowances of Money due to them, ſhall, on Application to the Commiſſioners of the Navy, have and receive Bills or Tickets made out to them to the Value of the ſaid Pay, &c. and the ſaid Commiſſioners are required to make out ſuch Bills or Tickets accordingly, and to cauſe them to be dated, number'd, regiſter'd, and paid in a Courſe not exceeding One Month after the Date thereof.

XIV. *Sect.* 12. The Governors, Miniſters, and Conſuls appointed by his Majeſty in Foreign Parts, and reſiding there, or where none ſuch are reſident, any two, or more *Britiſh* Merchants then and there reſiding, are hereby authorized and required to ſend and provide for all Sea-faring Men and Boys, Subjects of *Great Britain*, that ſhall by Shipwreck, Capture, or other unavoidable Accident, be driven or caſt away to ſuch Foreign Parts or Places, where ſuch Governors, Miniſters, Conſuls or Merchants reſide; and the ſaid Governors, &c. are hereby required to provide for and ſubſiſt ſuch Sea-faring Men and Boys, after the Rate of 6 *d. per Diem* each, and to ſend Bills of their Diſburſements on that Occaſion, together with proper Vouchers, to the Commiſſioners of the Navy, who are to cauſe immediate Payment to be made of ſuch Bills and Diſburſements, after due Examination of the Vouchers; and the ſaid Governors, &c. ſhall put the ſaid Men and Boys on board the firſt Ship belonging to his Majeſty, that ſhall arrive at the Parts or Places where they reſide, or any other Parts or Places being near, or within a convenient Diſtance for that Purpoſe; and if no Ship of War ſhall be then in ſuch Parts, or within a convenient Diſtance, they ſhall ſend the ſaid Men and Boys on board ſuch Merchant Ships as are bound for any Port in *Great Britain*, and are in Want of Men to make up their Complement; but if neither Caſe

happen within a convenient Time, then they ſhall provide and order a Paſſage homeward for ſuch Men and Boys in the firſt Merchant Ship bound for *Great Britain*; and every Maſter of a Merchant Ship that ſhall arrive in ſuch Foreign Parts, and be homeward bound from thence to any Port in *Great Britain*, ſhall take on board ſo many of ſuch Seafaring Men and Boys, as the ſaid Governors, &c. ſhall direct, not exceeding Four for each One hundred Tons of which his Ship conſiſts.

XV. *Sect.* 13. Every Maſter of a Veſſel, who ſhall produce a Certificate under the Hands of the ſaid Governors, &c. or any of them, certifying the Numbers and Names of the Men and Boys taken on board by their Direction, and the Time of taking them on board, and ſhall make an Affidavit at his Return, ſetting forth the Time during which he ſubſiſted them, and that he did not, during that Time, want of his own Complement of Men, or how many he did want, and for what Time, ſhall receive from the Commiſſioners of the Navy, (who are required to cauſe the ſame to be paid) 6*d. per Diem*, for the Paſſage and Proviſions of each Man and Boy, from the Day of their Imbarkation Homewards, to the Day of their Arrival in *Great Britain*, or being put into ſome Ship of War, 6*d. per Diem* only being deducted for ſuch Time, and ſo many Perſons as he wanted of his Complement during the Voyage.

XVI. *Sect.* 14. This Act ſhall not extend to leſſen or take away the Allowances or other Advantages appointed for any Seaman in the Service of his Majeſty, by any Laws now in Force, or the Cuſtom of the Navy.

XVII. *Sect.* 15. No Perſon, who ſhall liſt himſelf to ſerve as a Seaman on board any of his Majeſty's Ships of War, ſhall be liable to be taken out of the Service by any Proceſs or Execution, other than for ſome criminal Matter, unleſs for a real Debt, or other juſt Cauſe of Action; and unleſs, before the taking out ſuch Proceſs or Execution, not being for a criminal Matter, the Plaintiff therein, or ſome other Perſon in his Behalf, ſhall make Affidavit before one or more Judges of the Court of Record, or other Court, out of which ſuch Proceſs, &c. ſhall iſſue, or before ſome Perſon authorized to take Affidavit in ſuch Courts, that to his Knowledge the Sum juſtly due, owing to the Plaintiff from the Defendant in the Action, or Cauſe of Action, out of which ſuch Proceſs ſhall iſſue, or the Debt or Damage and Coſts for which ſuch Execution ſhall be iſſued, amounts to 20*l.* at the leaſt; a Memorandum of which Oath ſhall be marked on the Back of the Proceſs or Writ, for which Memorandum or Oath no Fee ſhall be taken: And if any Perſon ſhall be arreſted contrary to the

Intent

Intent of this Act, it ſhall be lawful for one or more Judges of ſuch Court, on Complaint made by the Party himſelf, or by his Superior Officer, to examine into the ſame by the Oath of the Parties, or otherwiſe, and by Warrant under their Hands and Seals to diſcharge ſuch Seamen ſo arreſted, without paying any Fees, upon due Proof made before them, that ſuch Seaman was actually belonging to one of his Majeſty's Ships, and arreſted contrary to the Intent of this Act; and alſo to award to the Party complaining, ſuch Coſts as they ſhall think reaſonable, for Recovery whereof he ſhall have the like Remedy that the Perſon who takes out the Execution might have had for his Coſts, or the Plaintiff in the Action might have had for the Recovery of his, if Judgment had been given for him, with Coſts, againſt the Defendant.

XVIII. *Sect.* 16. It ſhall be lawful for any Plaintiff, on Notice firſt given in Writing of the Cauſe of Action to ſuch Seaman in his Majeſty's Service, or left at his laſt Place of Reſidence before his entring into the Service, to file a common Appearance in any Action to be brought for any Debt whatſoever, ſo as to intitle the Plaintiff to proceed therein to Judgment and Outlawry, and to have an Execution thereupon, other than againſt the Body of him ſo actually belonging to one of his Majeſty's Ships; this Act, or any former Law to the Contrary notwithſtanding.

Seamen in the Merchants Service.

I. Stat. 2 *G.* 2. *c.* 36. *Sect.* 1. After the 24th of *June*, 1729, it ſhall not be lawful for any Maſter or Commander of any Ship or Veſſel bound to Parts beyond the Seas, to carry any Seaman or Mariner, except his Apprentices, to Sea, from the Port or Place where he was entered or ſhipt, to proceed on any Voyage to Parts beyond the Seas, without firſt coming to an Agreement or Contract with ſuch Seamen or Mariners for their Wages, which Agreement ſhall be made in Writing, declaring what Wages each Seaman is to have during the whole Voyage, or for ſo long Time as they ſhall ſhip themſelves for, and alſo to expreſs in the ſaid Agreement or Contract, the Voyage for which ſuch Seaman was ſhipt, to perform the ſame; and if any ſuch Maſter or Commander ſhall carry out any Seamen or Mariner, except his Apprentice, upon any Voyage to Parts beyond the Seas, without firſt entring into ſuch Agreement or Contract, and he and they ſigning the ſame, he ſhall forfeit 5 *l.* for every ſuch Seaman or Mariner, whom he ſhall carry to Sea without entring into ſuch Agreement as aforeſaid, to the Uſe of *Greenwich Hoſpital*, to be recovered on Information on the Oath of one or more Witneſſes, before one or more Juſtices of the Peace, who

is required to iſſue his Warrant to bring before him ſuch Maſter, &c. and in Caſe he refuſes to pay the Forfeiture, to grant his Warrant to levy it by Diſtreſs and Sale of the Offender's Goods; and if no Diſtreſs can be found, to commit him to the Common Gaol of the City, County, &c. there to remain till he ſhall pay the ſame.

II. *Sect.* 2. If any Seaman enter or ſhip himſelf on Board any Merchant Veſſel on an intended Voyage for Parts beyond the Seas, he ſhall be obliged to ſign ſuch Agreement or Contract, within three Days after he ſhall have enter'd himſelf on board any Veſſel, in Order to proceed on any Voyage; which Agreement, after the Signing thereof, ſhall be concluſive to all Parties, for the Time ſo contracted for.

III. *Sect.* 3. If any Seaman or Mariner ſhall deſert, or refuſe to proceed on the Voyage on Board any Veſſel bound to Parts beyond the Seas, or that ſhall deſert hereafter from the Veſſel to which he belongs, in Parts beyond the Seas, after he ſhall have ſigned ſuch Contract, he ſhall forfeit to the Owners of ſuch Ship, the Wages due to him at the Time of his Deſerting, or obſtinately refuſing to proceed on the Voyage.

IV. *Sect.* 4. If any ſuch Seaman ſhall deſert, or abſent himſelf from any ſuch Ship, after he hath enter'd into, and ſign'd ſuch Contract, to proceed on any Voyage to Parts beyond the Seas, upon Application, made to any Juſtice of the Peace, within their Juriſdictions, by the Maſter, Owner, or other Perſon having Charge of the Ship to which ſuch Seaman did belong, it ſhall be lawful for ſuch Juſtice to iſſue his Warrant to apprehend ſuch Seaman; and, if he ſhall refuſe to proceed on the Voyage, and ſhall not give a ſufficient Reaſon for ſuch Refuſal, to the Satisfaction of the Juſtice, to commit him to the Houſe of Correction, to be kept to hard Labour, not exceeding thirty Days, nor leſs than fourteen.

V. *Sect.* 5. If any Seaman ſhall abſent himſelf from the Veſſel to which he belongs, without Leave of the Maſter or other chief Officer, having Charge of ſuch Ship, he ſhall, for every Day's Abſence, forfeit two Days Pay, to the Uſe of *Greenwich Hoſpital.*

VI. *Sect.* 6. If any Seaman, not entring into the Service of his Majeſty, ſhall leave the Veſſel to which he belongs, before he ſhall have a Diſcharge in Writing from the Maſter, or other Perſon having the Charge of ſuch Veſſel, he ſhall forfeit one Month's Pay, to be recovered and diſpoſed of as is herein after directed.

VII. *Sect.* 7. On the Arrival of any Veſſel into *Great Britain* from Parts beyond the Seas, the Maſters or Commanders,

ders of ſuch Veſſels ſhall be obliged to pay the Seamen belonging to ſuch Veſſels their Wages, if demanded, in thirty Days after the ſaid Veſſels being entered at the Cuſtom Houſe, except where a Covenant ſhall be entred into to the contrary, or at the Time the ſaid Seamen ſhall be diſcharged, which ſhall firſt happen; deducting out of the Wages the Penalties and Forfeitures by this Act impoſed, under Penalty of paying to ſuch Seaman that ſhall be unpaid, contrary to the Intent of this Act, 20 *s.* over and above the Wages due to each Perſon; to be recovered by the ſame Means as the Wages may be recovered; and ſuch Payment of Wages ſhall be good and valid in Law, notwithſtanding any Action, Bill of Sale, Attachment or Incumbrance whatſoever.

VIII. *Sect.* 8. No Seaman, by entring into or ſigning ſuch Contract, ſhall be deprived of uſing any Means for the Recovery of Wages, againſt any Ship, the Maſter or Owner thereof, which he may now lawfully make Uſe of; and in all Caſes where it ſhall be neceſſary that the Contract in Writing ſhould be produced in Court, no Obligation ſhall lie on any Seaman to produce the ſame, but the Maſter or Owner of the Ship, for which the Wages ſhall be demanded; and no Seaman ſhall fail in any Suit, Action, or Proceſs for Recovery of Wages, for Want of ſuch Contract being produced.

IX. *Sect.* 9. The Maſters or Owners of Ships ſhall have full Power to deduct out of the Wages of any Seaman, all the Penalties and Forfeitures to be incurred by this Act, and to enter them in a Book to be kept for that Purpoſe, and to make Oath, if required, to the Truth thereof; which Book ſhall be ſigned by the Maſter of the Ship, and two or more principal Officers belonging to ſuch Ship, ſetting forth, That the Penalties and Forfeitures contained in ſuch Book, are the whole Penalties and Forfeitures ſtopt from any Seamen during the whole Voyage; which Penalties and Forfeitures (except the Forfeitures of Wages to the Owners, on the Deſertion of any Seaman, or on refuſing to proceed on the Voyage,) ſhall go to, and be apply'd to the Uſe of *Greenwich Hoſpital*, to be paid and accounted for by the Maſters of Ships coming from beyond the Seas, to the ſame Officer at any Port, who collects the 6 *d. per* Month, deducted out of Seamens Wages, for the Uſe of the ſaid Hoſpital; which Officer ſhall hereby have full Power to adminiſter an Oath to every Maſter touching the Truth of ſuch Penalties and Forfeitures.

X. *Sect.* 10. If any Maſters or Owners of Ships or Veſſels ſhall deduct out of the Wages of any Seamen, any of the Penalties and Forfeitures, which by this Act are directed to be deducted, and applied to the Uſe of *Greenwich Hoſpital*,

and ſhall not pay the Money ſo deducted to ſome Officer who collects the 6 *d. per* Month for the Uſe of the ſaid Hoſpital, in the Port or Place where the ſaid Deduction ſhall be made, within three Months after ſuch Deduction, every Perſon ſo neglecting to pay the Money deducted, ſhall forfeit treble the Value thereof to the Uſe of the ſaid Hoſpital; which, together with the Money deducted, ſhall be recovered by the ſame Means as the Penalties for not duly paying the ſaid 6 *d. per* Month may be recovered.

XI. *Sect.* 11. This Act ſhall be deemed to be a publick Act, and all Judges and Juſtices are to take Notice of it as ſuch, without ſpecial pleading the ſame.

XII. *Sect.* 12. This Act ſhall continue in Force for the Space of five Years, to be reckoned from the 24th of *June*, 1729, and from thence to the End of the then next Seſſion of Parliament.

XIII. *Sect.* 13. Nothing in this Act ſhall extend to debar any Seaman or Mariner, belonging to any Merchant Ship or Veſſel, from entring into the Service of his Majeſty, on Board any of his Ships; nor ſhall ſuch Seaman or Mariner, for ſuch Entry, forfeit the Wages due to him during the Term of his Service in ſuch Merchant Ship or Veſſel; nor ſhall ſuch Entry be deemed a Deſertion.

Ships.

I. Stat. 11 G. 1 *c.* 29. *Sect.* 5. If any Owner of, or Captain, Maſter, Officer, or Mariner belonging to any Ship or Veſſel, ſhall, after the 24th Day of *June*, 1725, wilfully caſt away, burn, or otherwiſe deſtroy the Ship or Veſſel, of which he is Owner, or to which he belongeth, or in any Wiſe direct or procure the ſame to be done, with Intent to prejudice a Perſon, that ſhall have underwritten any Policies of Inſurance thereon, or any Merchant that ſhall lend Goods therein, or any Owner of ſuch Ship or Veſſel, the Perſons offending therein, being thereof lawfully convicted, ſhall be adjudged Felons, and ſuffer as in Caſes of Felony, without Benefit of Clergy.

II. *Sect.* 6. If any of the ſaid Offences ſhall be committed within the Body of any County of this Realm, the ſame ſhall be enquired of, tried, determined and adjudged in the ſame Courts, in ſuch Manner and Form, as Felonies done within the Body of any County, are by Law to be enquired of, &c. And if any of the ſaid Offences ſhall be committed upon the High Seas, the ſame ſhall be tried and adjudged before ſuch Court, and in ſuch Manner and Form, as by the 28 *H.* 8.

c. 15. entitled, *For Pirates*, is directed, for trying of Felonies done upon the High Seas.

Silk Manufactures.

I. Stat. 11 G. 1. c. 29. *Sect.* 2. The ſeveral Clauſes in the Act 8 G. 1. c. 15. *For Encouragement of the Silk Manufactures of this Kingdom*, &c. which were to have Continuance for three Years from the 25th of *March*, 1722, and to the End of the the then next Seſſion of Parliament, are hereby continued from the Expiration thereof, for three Years, and from thence to the End of the then next Seſſion of Parliament.

II. *Sect.* 3. The two laſt Clauſes, for the more effectual preventing Frauds and Abuſes in the ſaid Manufactures, contained in the Act 9 G. 1. c. 8. *For repealing ſome Laws, and continuing others therein mentioned*, &c. ſhall be of full Force, and put in Execution acordingly.

III. Stat. 1 G. 2. *Seſſ.* 2. *c.* 17. *Sect.* 9. Whereas by the Act 8 G. 1. c. 15. *For encouraging of the Silk Manufactures of this Kingdom*, &c. certain Allowances, are to be paid to the Exporters of Silk-Stuffs made in *Great Britain*, or Silk mixed with Gold or Silver, Grogram, Yarn, Incle, Cotton, or Worſted, to Parts beyond the Seas, upon a Debenture verified by the Searcher, and Oath being made, and Security given by the Exporter not to reland the ſame in *Great Britain*; and ſuch Securities are to be diſcharged on proper Certificates, teſtifying the Landing of the ſaid Goods in Parts beyond the Seas; which Certificates, in Caſe of landing the ſaid Goods in *Ireland*, or in any other Foreign Port, where any Officers of his Majeſty's Cuſtoms ſhall be reſident, are to be ſigned by the proper Officers of the Cuſtoms there; and in Caſe of Entry for any other Foreign Ports, ſuch Certificates are to be under the Common Seal of the Chief Magiſtrate in ſuch Port, or under the Hands and Seals of two Known *Britiſh* Merchants, then being at ſuch Port; and whereas it is found impracticable to bring ſuch Certificates of landing, in Caſes where any ſuch Goods are ſold on the Coaſt of *Africa*, and ſome other Foreign Places, where no ſuch Certificates, as the Law directs, can be obtained; and in Caſes of tranſhipping at *Jamaica*, or any other of the *Britiſh* Plantations in *America*, without being landed there, into Ships bound to *Africa*, and other Foreign Parts; therefore it is enacted, That in any of the ſaid Caſes, where ſuch Certificates could not, or cannot be obtained, the Bonds or Securities already given on the Exportation of the ſaid Goods, ſhall be diſcharged and vacated, on Proof on Oath of the Maſter, Mate, Purſers or other Perſon having the Charge of the Ship during

the Voyages, and alſo the Oath of the Exporter, if living, that to the beſt of their Knowledge and Belief, the ſaid Goods have been diſpoſed of at the Place mentioned in the Oath, and that they have not been relanded in any Port of *Great Britain*; Provided ſuch Proof be made by the firſt of *May*, 1729, otherwiſe the ſaid Bonds may be put in Suit, as if this Act had not been made; and for the Future, ſuch Bonds are to be diſcharged and vacated, on the like Proof being made within eighteen Months from the Date of the Bond, that the ſaid Goods were ſo diſpoſed of in Foreign Parts, the Examination and Proof being left to the Judgment of the Commiſſioners of the Cuſtoms in *England* or *Scotland*.

IV. *Sect.* 10. The ſaid Act 8 *G.* 1. *c.* 15. and the Act 9 *G.* 1. *c.* 8. ſhall not extend to the making any Allowance on the Exportation of any of the ſaid Manufactures of Stuffs mix'd with Silk, except the Silk that ſhall be mix'd in the Warp, ſhall be obvious to the View of the proper Officer of the Cuſtoms, and the Silk therein uſed ſhall be double the Value of the Bounty intended to be paid on the Exportation thereof.

Snuff.

I. Stat. 12 *G.* 1. *c.* 26. *Sect.* 1. After the 31ſt of *May*, 1726, the new Duty of 3 *s. per* Pound Weight, impoſed by the Act 8 *A. c.* 7. on Snuff imported into this Kingdom, ſhall ceaſe and be no longer payable.

II. *Sect.* 2. All Proviſions and Clauſes contained in any former Acts of Parliament, ſo far as they relate to the Aſcertaining the Value of Snuff imported, according to the Oaths or Affirmations of the Importer, ſhall, after the ſaid 31ſt of *May*, 1726, be, and are hereby repealed and made void.

III. *Sect.* 3. In Lieu of the former Rates *ad valorem*, all Snuff, which ſhall, at any Time after the ſaid 31ſt of *May*, 1726, be imported into this Kingdom, ſhall be rated to, and pay the Old Subſidy granted by the Act of Tonnage and Poundage, 12 *Car.* 2 *c.* 4. according to the ſeveral Rates and Values herein after mentioned (and not according to the Values ſworn to or affirmed by the Importers) that is to ſay; all Snuff imported in *Britiſh* Ships, from any of the *Britiſh* Plantations in *America*, or from any Part of the *Spaniſh-Weſt-Indies*, ſhall be rated at 2 *s.* 6 *d.* for every Pound Weight Averdupois; and all Snuff imported from *Italy*, *Spain*, *Portugal*, and all other Foreign Parts except *France*, ſhall be rated at 5 *s.* for every Pound Weight Averdupois, and in theſe Proportions for a greater or Leſſer Quantity.

IV. *Sect.*

IV. *Sect.* 4. In all Caſes where any of the ſaid Sorts of Snuff are by Law liable to the Payment of *The further Subſidy*, *the One Third Subſidy*, *the Two Thirds Subſidy*, *the Additional Import*, or any of them, according to the reſpective Values ſet thereon, for the ſaid Old Subſidy, or in Proportion thereto, the ſame ſhall, after the 31ſt of *May*, 1726, be paid proportionably, according to the particular Value ſet thereon for the ſaid old Subſidy, and not according to the Oath or Affirmation of the Importer.

V. *Sect.* 5. Upon Exportation of any the ſaid Sorts of Snuff within the Time allowed by Law, the Duties paid or ſecured for the ſame at Importation, ſhall be drawn back, and allowed to the Exporter, on a proper Debenture to be made forth for that Purpoſe, except the Old Subſidy.

VI. *Sect.* 6. The ſeveral Subſidies, Impoſitions, and Duties on Snuff, ſhall be paid or ſecured, raiſed and collected in ſuch Manner, and by ſuch Ways and Means, and under ſuch Penalties and Forfeitures, and with ſuch Diſcounts, Allowances and Drawbacks, (except as herein is excepted) as are mentioned in the ſeveral Acts of Parliament, which granted or continued the ſame reſpectively; and all Powers, Penalties Proviſions, Articles and Clauſes therein contained, (except in ſuch Caſes where any Alteration is made by this Act) ſhall continue in Force during the Continuance of the ſaid Subſidies and other Duties, according to the true Intent of this Act, as fully and effectually to all Intents and Purpoſes, as if the ſaid Clauſes, *&c.* had been repeated and re-enacted in the Body of this Act.

Soldiers.

I. Stat. 11 G. 1. *c.* 6. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters. Exp.

This Act was to continue in Force from the 24th of March, 1724 *till the 25th of* March 1726; *and is in every Clauſe like the former Acts of the ſame Title, that have paſſed in the Reign of his late Majeſty; which ſee in Vol.* V. ſub eodem titulo.

II. Stat. 12 G. 1. *c.* 3. An Act for puniſhing Mutiny and Deſertion, *&c.* Exp.

This Act is verbatim *the ſame with the former Act, and was to continue in Force from the 24th of* March 1725, *to the 25th of* March, 1727.

III. Stat. 13 G. 1. *c.* 2. An Act for puniſhing Mutiny and Deſertion, *&c.* Exp.

This

This Act differs in nothing from the former Acts, and was to continue in Force from the 24th of *March*, 1725, till the 25th of *March*, 1727.

Sope.

I. Stat. 11 G. 1. c. 30 *Sect.* 32. After the 24th of *June*, 1725, every Maker of Sope, before he begins to make, or work upon the making of Sope, of any Sort or Kind, shall give to the Officer of the Division, where such Sope is intended to be made, Notice in Writing of the particular Time and Hour, when and at which the Making is intended to be begun; that is to say, if such Making is intended to be at any Place within the Limits of the Weekly Bills of Mortality, then twelve Hours before; and if in any other Place out of the Limits of the said Weekly Bills, then twenty-four Hours before the Beginning of every such Making, on Pain of forfeiting 50 *l.* at every Time any Making of Sope shall be begun without first giving such Notice.

II. *Sect.* 33. The putting of Lees or Lye into the Copper, Pan, or other Utensil, commonly used by the Maker of Sope, shall be deemed to be a Beginning to work upon making of Sope, and shall subject the Maker where the same shall be found, to the Forfeiture before named.

III. *Sect.* 34. If such Making of Sope, whereof Notice shall have been given shall not be begnn to be worked upon within the Times herein after mentioned; if *viz.* within the Limits of the said Weekly Bills, in six Hours; and if in any other Place out of the said Limits, in twelve Hours next after the Time or Hour mentioned in such Notice, then such Notice shall be void; and every Maker of Sope, who after the Expiration of the said Times, shall begin to work on the making of such Sope, without having given a new Notice, shall incur the like Penalty, as if he had not given any Notice at all.

IV. *Sect.* 35. If any stale or rotten Sope, or any Cuttings of Sope, in order to the refreshing thereof, shall be put into any makings of Sope, unless Notice in writing of such Intention be given to the Officer of the Division where such putting in is intended to be; that is to say, if within the Weekly Bills of Mortality, by the Space of twelve Hours next before the Time of putting in such rotten Sope, &c. but if in any other Place out of the Limits of the said Weekly Bills, then, by the Space of twenty-four Hours; then the Officer shall not certify such putting in of stale Sope, &c. nor shall the Maker of the Sope, in any such Case, be entitled

tled to have any Allowance, in reſpect of the putting in ſuch ſtale or rotten Sope, &c.

V. *Sect.* 36. If any Officer of the Exciſe, or for the Duties on Sope, ſhall falſly pretend that he hath had due Notice in writing of ſuch putting in of ſtale Sope, &c. in any Caſe where he hath not really had ſuch Notice, and ſhall make ſuch Allowance of the Duty of the ſtale Sope, &c. as is directed by the Act of 10 *A. c.* 19. and certify the ſame, ſuch Officer, for every Pound Weight of ſuch ſtale or rotten Sope, or Cuttings of Sope, ſo falſly allowed or certify'd, as aforeſaid, ſhall forfeit ten Shillings; and every Maker of Sope, who ſhall demand any Benefit in reſpect of any Allowance ſo falſly made and certified by ſuch Officer, ſhall forfeit ten Shillings for every Pound Weight of ſuch ſtale Sope, &c. as ſhall be claimed by ſuch Maker, in reſpect of ſuch Allowance ſo falſly made or certified by ſuch Officer.

VI. Sect. 37. *This Clauſe directs how the Penalties and Forfeitures by this Act ſhall be ſued for and recover'd; which ſee in* Tit. Exciſe, Par. IX.

South-Sea Company.

I. Stat. 13 G. 1. *c.* 8. *Sect.* 1. After the 24th of *June*, 1727, It ſhall be lawful for the Governor and Company of Merchants of *Great Britain* trading to the *South-Seas*, &c. by and with the Conſent and ſpecial Licence of the United Company of Merchants of *England* trading to the *Eaſt-Indies*, firſt had and obtained under their Common Seal, to ſend to the Iſland of *Madagaſcar* four Ships or Veſſels every Year, during the Continuance of this Act, and to take and receive Negroes on Board ſuch Ships ſo licenſed, and to tranſport them to *Buenos Ayres*, and deliver them there.

II. *Sect.* 2. The taking in, tranſporting and delivering ſuch Negroes, ſhall not be deemed to be a Breaking of Bulk; nor ſhall the Company, their Agents, Officers, or Servants ſo licenſed, in Regard to their taking in and tranſporting ſuch Negroes, be liable to any Forfeitures or Penalties whatſoever.

III. *Sect.* 3. If any Ship in the Service of, or belonging to, or ſent or employed by, or by the Order, or under the Authority or Direction of the ſaid Company, ſhall ſail or go to any Coaſt, Iſland, Port or Place whatſoever, within the Limits of Trade granted to the *Eaſt-India* Company, other than to *Madagaſcar*, every ſuch Ship, with all the Guns, Tackle, Apparel, and Furniture thereto belonging, or the Value thereof, ſhall be forfeited, and may be ſeized and ſued for; and the Forfeiture ſhall be recover'd and diſtributed

buted as hereafter is appointed. And if any Goods, Merchandizes, or Effects whatſoever, (Negroes only excepted) ſhall be directly or indirectly purchaſed or acquired, or ſhall be traded or trafficked for, or exchanged or barter'd, (other than for Negroes, and the neceſſary Proviſions for the Uſe of ſuch Ships) as alſo, if any Goods, &c. (Negroes only excepted) ſhall be ſhipped, or received on Board any ſuch Veſſel, at any Port or Place beyond the *Cape of Good Hope*, the Company ſhall be deemed to be Traders to the *Eaſt-Indies*, contrary to the Proviſions made by the Act 9 & 10. *W.* 3. *c.* 26. (which ſee in Vol. IV. Tit. Trade and Commerce, Par. CLXXI. & *Seq.*) and ſhall not only forfeit every ſuch Ship, with all the Guns, Tackle, &c. thereto belonging, and all the Goods ſo traded for, or received on Board, and all the Proceed and Effects thereof; but ſhall alſo, according to the Tenour of the ſaid Act, forfeit double the Value of all ſuch Goods, Merchandizes, Proceed and Effects.

IV. *Sect.* 4. All the ſaid Penalties and Forfeitures ſhall be ſued for, and may be recovered, in any of the Courts of Record at *Weſtminſter*, by Action of Debt, &c. and one Third thereof ſhall be to the Uſe of the Crown, one other Third to the Uſe of the ſaid United Company, and the remaining Third to ſuch Perſons as ſhall ſeize, inform, or ſue for the ſame.

V. *Sect.* 5. All Offences againſt this Act ſhall be laid or alledged to be in the City of *London*, or County of *Middleſex*, at the Pleaſure of the Informer or Proſecutor.

VI. *Sect.* 6. Beſides the Proviſion hereby, and by the ſaid Act 9 & 10 *W.* 3. *c.* 26. made againſt breaking Bulk, or trading within the Limits of Trade granted to the ſaid *Eaſt-India* Company; it ſhall be lawful for the ſaid United Company, upon their granting ſuch Licences, to take ſuch Security from the *South-Sea* Company againſt the breaking of Bulk, and for ſecuring to the *Eaſt-India* Company the Trade within their Limits, as the ſaid United Company ſhall think fit, and likewiſe to inſert in ſuch Licences ſuch Proviſoes, Conditions, or Reſtrictions as ſhall be thought reaſonable by the ſaid two Companies.

VII. *Sect.* 7. This Act ſhall continue in Force for ſix Years, and from thence to the End of the then next Seſſion of Parliament.

VIII. *Sect.* 8. This Act ſhall be deemed to be a Publick Act, and all Judges and Juſtices are required to take Notice of it as ſuch.

IX. Stat. 13 *G.* 1. *c.* 22. The Preamble recites, That whereas by the 7 *G.* 1. *c.* 28. *For raiſing Money on the Eſtates of the late Sub-Governor, Deputy-Governor, Directors, Caſhier, Deputy-Caſhier,*

Caſhier, and Accomptant of the South-Sea *Company, and of* John Aiſlabie, *Eſq; and likewiſe of* James Craggs, *Sen. Eſq; deceaſed*, It is enacted, That all their Eſtates and Effects whatſoever, which they the ſaid Directors, &c. and the ſaid *John Aiſlabie*, Eſq; on the firſt Day of *June*, 1720, or at any Time afterwards, or which *James Craggs* the Elder, deceaſed, or any Perſons in Truſt for him, were ſeized of, or any ways intitled to in Law or Equity, were by virtue of the ſaid Act veſted in the Truſtees therein named, to the End the ſame might be ſold, and applied to the Uſes in the Act expreſs'd; and that the Monies ariſing thereby ſhould be appropriated for the Uſe of the *South-Sea* Company: And it is thereby further enacted, That the Entry of Claims by any Perſons in *Great Britain* ſhould be made by the 25th of *December*, 1721, and by Perſons beyond the Seas, by the 25th of *March*, 1722, and that the Truſtees ſhould enquire and inform themſelves by the Teſtimony of Witneſſes on Oath, or by the Examination of Perſons upon Oath, or by the Inſpection of Mortgages, Bonds, Grants, Conveyances, &c. or otherwiſe, touching all Eſtates, Debts, Intereſts, or Incumbrances ſo claimed, and ſhould make a Report of their Proceedings therein, and their Opinions thereupon, to the Court of Directors; and if the ſaid Court ſhould be ſatisfy'd in the Juſtice of ſuch Claims, or that any Debt ought to be paid thereon, or that the Eſtate, Intereſt, or Incumbrance claimed, ought to be allowed, and ſhould declare their Satisfaction therein by a Reſolution of that Court; and if the Parties by whom ſuch Claims ſhould be made, ſhould likewiſe declare their Acquieſcence in ſuch Reſolution of the Court touching their Claims, by the 1ſt of *Auguſt*, 1722; in every ſuch Caſe the Truſtees ſhould give Warrant for the Payment of every ſuch Debt ſo adjuſted, out of ſuch Money as ſhould come to the Hands of the Company's Caſhier, for the Purpoſes in that Act mention'd. And whereas it was by the ſaid Act farther enacted, That the Juſtices of the *King's Bench* and *Common Pleas*, and the Barons of the *Exchequer*, or any three or more of them, ſhould hear and determine all Differences, Diſputes, and Controverſies, concerning any Debts, Eſtates, Intereſts or Incumbrances, which ſhould be claimed within the Times limited, and that could not be liquidated between the Claimants and the Court of Directors within the Time limited in that Behalf, and all Incidents relating thereto, in ſuch Manner as by the ſaid Act is directed: And whereas by the ſaid Act it is further enacted, That the ſaid Juſtices, &c. upon Complaint to be made by any Claimant of any ſuch Debt, &c. whoſe Claims ſhould not be adjuſted (ſo as ſuch Complaint were made by the 25th of *December*, 1722) ſhould proceed in ſuch Manner as by the ſaid

ſaid Act is directed; and the ſaid Juſtices, &c. in all Caſes where they ſhould find that any Debt ought to be paid to the Claimant, or that the Eſtate, Intereſt, or Incumbrance claimed, ought to be allowed, ſhould, before the 25th of *March*, 1723, tranſmit a Certificate thereof to the Truſtees; and by the ſaid Act it is provided, that the Powers thereby given to the Juſtices and Barons, for determining ſuch Differences, &c. relating to ſuch Claims, and iſſuing their Certificates, as aforeſaid, ſhould continue in Force till the 25th of *March*, 1723; and whereas by the Act 8 G. 1. c. 23. ſeveral of the Times in the former Act limited were enlarged to further Times therein expreſſed; and whereas by the Act 9 G. 1. c. 23. the Times in the laſt mentioned Act were enlarged to other Times therein expreſs'd; and whereas by the Act 10 G. 1. c. 14. the Times in the ſaid Act of 9 G. 1. were enlarged to further Times therein expreſſed; and whereas the Time by the laſt mentioned Act limited for the Court of Directors being ſatisfied of the Juſtice of Claims, and for declaring their Satisfaction therein by a Reſolution of the ſaid Court, did expire on the 24th of *December* laſt; and the other Times limited by the ſaid Act, for other Purpoſes therein mentioned are near expiring: Now, foraſmuch as the Claims made purſuant to the firſt recited Act, and alſo to the ſaid herein before-mentioned Act of the 9th Year of his Majeſty's Reign, could not be adjuſted within the Times already limited; Therefore it is enacted,

Sect. 1. That the Time for the ſaid Court of Directors being ſatisfy'd of the Juſtice of ſuch Claims, or that any Debt, or Sum of Money, ought to be paid thereupon, or that any Eſtate, Intereſt, or Incumbrance ſo claimed, or any Part thereof, ought to be allowed, and for declaring their Satisfaction therein, by any Reſolution of the Court, ſhall be enlarged to the 24th of *June*, 1728; and that the Time for the ſaid Juſtices and Barons hearing and determining ſuch Differences, Diſputes and Controverſies relating to ſuch Claims, ſhall be enlarged to the 24th of *December*, 1728; and that the Time for the ſaid Juſtices and Barons tranſmitting to the Truſtees Certificates concerning the ſame, ſhall be enlarged to the 23d of *June*, 1729; and all Powers and Directions given by any of the recited Acts, relating to ſuch Claims, ſhall be executed and obſerved within the Times hereby limited; and the ſame ſhall have the like Force and Effect, and all Parties concerned ſhall have the like Benefit thereof, as if the ſame had been executed within the Times by the ſaid recited Acts, or any of them, in that Behalf limited.

X. *Sect.* 2. The Eſtate of *Robert Knight*, late Caſhire or Treaſurer of the Company, veſted in the Truſtees by the firſt

firſt recited Act, and the Monies ariſing by or out of the ſaid Eſtate, ſhall (preferable to any Demands of the *South-Sea* Company, and notwithſtanding the Claim enter'd before the Truſtees on their Behalf, upon the Eſtate of the ſaid *Robert Knight*, for the Sum of 860,000 *l.* and upwards) be made liable in the firſt Place to the Payment and Diſcharge of the Debts and Sums of Money belonging to his Creditors and Claimants who have duly enter'd their Claims, and which have already been, or ſhall hereafter, within the reſpective Times by this Act, or any of the before-mention'd Acts limited, be liquidated, adjuſted, or determined, purſuant to the Directions of the firſt recited Act.

XI. *Sect.* 3. The Truſtees ſhall give their Warrants for the Payment of every Debt, ſo liquidated or adjuſted, or which ſhall hereafter be ſo liquidated, adjuſted, or determined, in ſuch Manner, and by ſuch Methods, as are limited and preſcribed in the firſt recited Act.

XII. *Sect.* 4. All ſuch Claims as have been duly made and entred before the Truſtees, in Purſuance of the ſeveral Acts in that Behalf, in Reſpect of any Debt, Incumbrance, Goods, or Demand whatſoever, ſubject to or depending on any Contingencies, contracted before the 5th of *January*, 1720, to which the late Sub-Governor, Deputy-Governor, Directors, Caſhire, Deputy-Caſhire, and Accomptant, or any of them, were, are, may, or might have become ſubject or liable, ſhall be enquired into, proceeded upon, and heard by the Truſtees, or any ſix or more of them, and be determined; and when the ſame ſhall become due or payable, be ſatisfied in ſuch Method and Manner, with like Power of Appeal, as other Claims for any Debts, Goods or Demands, not depending on, or ſubject to Contingencies, are by the recited Acts, or any of them, or by this Act appointed to be enquired into, proceeded upon, heard, determined, and ſatisfied.

XIII. *Sect.* 5. It ſhall be lawful for the Truſtees, or any ſix or more of them, with the Conſent of the Court of Directors, to be declared by any Reſolution of that Court, to compound with any Claimant for their Debts, Claims, and Demands, for ſuch Sums of Money, or on ſuch other Terms and Conditions as the Truſtees ſhall think fit; which Money ſhall be paid by the Caſhire of the *South-Sea* Company, out of the Money to ariſe from the Perſonal Eſtate of ſuch Perſons, on which the Claims were made.

XIV. *Sect.* 6. It ſhall be lawful for *Ralph Gulſton*, and *Joſeph Gulſton*, Merchants, and *Sarah Howard* and *Sarah Bucknall*, and ſuch other Perſons who claim a Debt of 354 *l.* by Virtue of an Order of the High Court of *Chancery*, of the 15th of *July*, 1719, out of the Eſtate of *Edward Gibbon*, Eſq; one

one of the late Directors of the *South-Sea* Company; but the ſaid *Ralph Gulſton* and *Joſeph Gulſton*, by reaſon of their Abſence beyond the Seas, and the ſaid *Sarah Howard* and *Sarah Bucknall*, by Reaſon of their Infancy, omitted to enter with the Truſtees in due Time the Claim of ſuch Debt, at any Time before *June*, 1727, to enter the Claim of ſuch Debt, due from the ſaid *Edward Gibbon*, or his Eſtate, before the Truſtees; and ſuch Claim ſhall be heard and determined, in ſuch Manner as if the ſame had been enter'd within the Times by the former Acts limited for entring Claims.

XV. *Sect.* 7. All Sums of Money, which ſhall be adjudg'd to be due on ſuch Claims, as ſhall be entred on the Behalf of any of the ſaid Creditors of *Edward Gibbon*, Eſq; ſhall be paid to the Creditors themſelves, if living and in *England*; and if dead, to their Executors and Adminiſtrators, and to no other Perſon whatſoever; and all Contracts or Aſſignments of the ſaid Debt, or any Part thereof, ſhall be null and void.

XVI. *Sect.* 8. If any Perſon, who hath enter'd his Claim, or ſhall enter any Claim purſuant to this Act, ſhall neglect to proſecute ſuch Claim within ſixty Days after perſonal Notice to be given, or Publication in the *London Gazette*, by the Truſtees, requiring the ſaid Claimants, their Agents or Attornies, to attend the Proſecution of their Claims; in every ſuch Caſe it ſhall be lawful for the Truſtees, or any three of them, to diſmiſs every ſuch Claim ſo enter'd, and neglected to be proſecuted; and every ſuch Claim ſo diſmiſs'd, ſhall be deemed to be null and void to all Intents and Purpoſes, as if the ſame had never been enter'd before the Truſtees.

XVII. *Sect.* 9. So much of the Proviſo or Clauſe in the Act 7 *G.* 1. *c.* 28. (which Clauſe ſee in Vol. VI. *ſub hoc Titulo*, Par. CLXXX.) as enacts, That the clear Monies to ariſe out of the Eſtates, Intereſts, and Effects ſo veſted, ſhall be applied for encreaſing the Capital Stock of the *South-Sea* Company, and all the Members thereof, in Proportion to their Shares or Intereſts therein, was and is null and void; and the ſame is hereby repealed; but as to ſo much thereof as is appropriate to the Uſe of the ſaid Company, the ſame is hereby ratified and confirmed; ſubject nevertheleſs to ſuch Rules, Directions or Reſtrictions, touching the Diſpoſal thereof, as are herein after enacted concerning the ſame.

XVIII. *Sect.* 10. The Truſtees ſhall, before the 25th of *March*, 1728, adjuſt and ſettle an Account of all the *South-Sea* Stock, and *South Sea* Annuities veſted in them, and remaining undiſpoſed of by them, and ſhall aſſign and transfer the ſame to ſuch Perſons, as the Court of Directors ſhall nominate as Truſtees for the ſaid Company; and ſhall in their Accounts, kept of the Monies raiſed by the Eſtates veſted in them,

them, place to the Credit of the Eſtates, to which the Stock and Annuities belong, for the Produce thereof, ſo much Money as the ſame will produce, computing at Par, or 100 *l.* Money for each 100 *l.* in Stock or Annuities, and ſo in Proportion for a greater or leſſer Sum than 100 *l.* And the Directors ſhall make up an Account of all juſt Claims and Demands againſt them, for *South-Sea* Stock, or *South-Sea* Annuities, to be delivered to any Perſons for Subſcriptions, or otherwiſe; and after reſerving ſo much of the ſaid Stock and Annuities, as ſhall be ſufficient to ſatisfy ſuch juſt Claims and Demands, they ſhall cauſe every Part or Parcel of *South-Sea* Stock and *South-Sea* Annuities, remaining any Ways in the Right of, or in Truſt for the Company, to be diſtributed to and among the Proprietors of the Stock of the Company, at ſuch Times, and in ſuch Manner and Form, as the General Court of the Company ſhall judge to be moſt practicable and convenient.

XIX. *Sect.* 11. Subject to ſuch Directions concerning the Stock and Annuities, all the clear Monies ariſen, or to ariſe, out of the Eſtates and Effects veſted in the Truſtees, ſhall be iſſued and applied towards diſcharging any Debt of the Company, or paying any Dividend on their Capital Stock, as the Court of Directors, by Order or Authority of the General Court of the Company, ſhall think fit to direct or appoint, and not otherwiſe.

XX. *Stat.* 2 G. 2. *c.* 8. *Sect.* 1. All the Eſtates, both real and perſonal, of what Nature or Kind ſoever, lying in *Great Britain*, *Ireland*, or elſewhere, belonging to the late Directors, *&c.* of the *South-Sea* Company, and to *John Aiſlabie*, Eſq; and *James Craggs*, Eſq; which by the Act 7 G. 1. *c.* 28. were veſted in Truſtees, to be ſold, or otherwiſe diſpoſed of, and which ſtill remain in them, and are not, or ſhall not, before the Twenty-fourth of *December*, 1729, be reveſted, or ſold, conveyed away or diſpoſed of, for the Purpoſes in any of the former Acts expreſſed, or which ſhall not before that Time be got in, collected, recovered, or received, commenced, proſecuted, or determined; and alſo all Sums of Money, Mortgages, Bonds, Bills, Notes, and other Securites, Accounts, Contracts, and Effects whatſoever, which are Part of the Eſtates ſo veſted, or any of them, or the Produce thereof, or any Part thereof, or which have ariſen, or, before the ſaid Twenty-fourth of *December*, 1729, ſhall ariſe from the ſame, or the Proceedings or Tranſactions of the Truſtees, in Purſuance of any of the former Acts, or relating thereto, and which have been, or ſhall be paid to *Conrad de Gols*, Eſq; the preſent Caſhire of the *South-Sea* Company, or to the Caſhire for the

Time being, by, or by Order of the Truſtees, or in Truſt for them, and ſhall then remain in his Hands unapplied (other than ſuch Monies and Effects as have been, or ſhall be diſpoſed of by the Truſtees in the mean Time) ſhall, from and after the Twenty-fourth of *December*, 1729, be deveſted out of the Truſtees, and from thenceforth ſhall be veſted in the Governor and Company of Merchants of *Great Britain* trading to the *South-Seas*, &c. and their Succeſſors, for the like Eſtates, Terms and Intereſts, as the Truſtees now have therein, but ſubject to the like Truſts and Uſes as they are now liable to.

XXI. *Sect.* 2. The Truſtees ſhall, on or before the 24th of *December*, 1729, deliver over to the Company, or ſuch Perſons as they ſhall appoint, all Mortgages, Bonds, Bills, Notes, and other Securities, Goods, Chattels and Effects, and all Deeds, Evidences, Miniments, Books, Accounts, Papers, and Writings, concerning the ſaid Eſtates, which ſhall then be in their Cuſtody or Power; and *John Read*, Gent. and all other Accountants and Clerks belonging to the Truſtees, to whom any Monies have been or ſhall be impreſſed or paid for incident Charges relating to the ſaid Truſt, ſhall, by the ſaid 24th of *December*, 1729, refund or pay to the Caſhire of the Company for the Time being, all ſuch Monies as ſhall have been before that Time received by them for thoſe Purpoſes, and which ſhall then remain not expended or applied.

XXII. *Sect.* 3. All Powers and Authorities in any of the former Acts, concerning the recovering, collecting, receiving, managing, ſettling, or diſpoſing of the Eſtates of the late *South-Sea* Directors, *&c.* and *John Aiſlabie* and *James Craggs*, veſted in the Truſtees, which are yet ſubſiſting, ſhall, after the 24th of *Dec.* 1729, be transferred to, and veſted and continue in the Company, to as full Extent, as the ſame now are, or hereafter would have been in the Truſtees, if this Act had not been made; and all Acts to be done by the Company, in Execution of the Powers and Authorities hereby transferred to, and veſted in them, ſhall be as valid and effectual, as if they had been done by the Truſtees, if this Act had not been made.

XXIII. *Sect.* 4. The Company ſhall, in the Execution of the Powers hereby veſted in them, purſue all the Directions in the former Acts, given to the Truſtees, in the ſame Manner, as the Truſtees would have been obliged to do, if this Act had not been made.

XXIV. *Sect.* 5. All Actions and Suits commenced and proſecuted in any Court of Law or Equity, before the 24th of *December*, 1729, by or againſt the Truſtees, or in their Names, ſhall not be abated, diſcontinued or determined by this

this Act, but may be proſecuted and defended in the Names of the Truſtees; and all Verdicts, Judgments, and Decrees, given, recover'd, or pronounc'd, in any ſuch Action or Suit, for or againſt the Truſtees, ſhall be executed and obeyed in the ſame Manner and Form, as if this Act had not been made.

XXV. *Sect.* 6. The Truſtees, their Officers, Agents, and Servants, their Lands and Tenements, Goods and Chattels, ſhall be indemnified by the Company, againſt the late Directors, *&c.* and *John Aiſlabie*, and the Executors and Adminiſtrators of *James Craggs*, deceaſed, and againſt all Purchaſers, Claimants, and other Perſons, touching the Eſtates of the late Directors, *&c.* ſo veſted in the Truſtees, or on Account of any Acts or Things lawfully done by them, their Officers, *&c.* concerning the Execution of the Truſts repoſed in them, by any of the former Acts, and againſt all Actions, Suits and Demands, either in Law or Equity, already brought, or depending by or againſt them, or that ſhall hereafter be brought againſt them, and againſt all Coſts, Damages, Charges and Expences, which they ſhall ſuſtain by Reaſon of ſuch Actions, *&c.* or their executing the Powers and Truſts ſo repoſed in them, or in anywiſe relating thereto.

XXVI. *Sect.* 7. All the clear Monies ariſen and to ariſe from the real and perſonal Eſtates of the late Directors, *&c.* and of *John Aiſlabie* and *James Craggs*, hereby veſted in the *South-Sea* Company, ſhall be applied and diſpoſed of in ſuch Manner, and according to ſuch Directions, and to ſuch Intents and Purpoſes, as the clear Monies ariſing from the ſame Eſtates are directed to be, by the Act 13 *G.* 1. *c.* 22.

XXVII. *Sect.* 8. All the real Eſtates of the late Directors, *&c.* hereby veſted in the Company, ſhall not be deemed to be any Part of the Lands or Hereditaments they are by their Charter, or otherwiſe, capable of purchaſing, and enjoying; but the ſaid Company and their Succeſſors, may nevertheleſs purchaſe and enjoy any other Lands, Tenements and Hereditaments of as full yearly Value, as they are by their Charter, or otherwiſe, enabled to purchaſe and hold, as if this Act had never been made.

XXVIII. *Sect.* 9. This ſhall be deemed a publick Act, to be judicially taken Notice of by all Judges, Juſtices and other Perſons whatſoever, without ſpecially pleading the ſame.

XXIX. Stat. 3 *G.* 2. *c.* 16. *Sect.* 4. Out of the Surpluſſes of the *Sinking Fund*, ariſen at the Feaſt of the Nativity of St. *John Baptiſt*, 1730, there ſhall be iſſued to the *South-Sea* Company, at the ſaid Feaſt-Day, and afterwards Quarterly,

ſuch Monies as ſhall be on ſuch Quarter-Day in the *Exchequer*, for redeeming Part of the Annuities attending on the Capital Stock or Sum due to the Company, till the Payments ſhall amount in the Whole to One Million; and ſuch Payments ſhall be made a proportional Part of the Capital Stock, and Annuities ſhall ceaſe and determine for the Benefit of the Publick: But if on the ſaid Feaſt-Day, 1730, there ſhall not be ſufficient in the *Exchequer* ariſen from the ſaid Surpluſſes, to pay the entire Sum of One Million, and the Company ſhall deſire to receive the whole Sum in one entire Payment, then on Application made by the Company, ten Days at leaſt before the ſaid Feaſt-Day, the Treaſury may permit any Perſons to advance ſo much Money as ſhall be wanting to compleat the ſaid Sum of One Million, upon Credit of the growing Produce of the ſaid Surpluſſes, to be repaid out of the ſame, as they ſhall Quarterly ariſe, with Intereſt at 4*l. per Cent.* and the Money ſo lent ſhall be paid to the Company, to compleat the ſaid Payment; and the Monies which ſhall from thenceforth ariſe, ſhall be iſſued to diſcharge the Loans in Order.

XXX. *Sect.* 5. The *South-Sea* Company ſhall forthwith, upon the Receipt of the ſaid One Million, or as ſoon as conveniently may be, diſtribute the ſame amongſt all the Proprietors of their ſaid Capital Stock, towards Sinking ſo much of their Shares in the ſaid Stock, by even and equal Dividends amongſt them all, in Proportion to their reſpective Shares therein.

XXXI. *Sect.* 6. The *South-Sea* Company, or any Member thereof, ſhall not incur any Diſability by Reaſon of any Thing done in Purſuance of this Act: Nor ſhall the Sub-Governor, Deputy-Governor, or any of the Directors after the Payment hereby directed ſhall take Place, be diſqualified to continue Sub-Governor, &c. if, by Reaſon of ſuch Payment, there ſhall not remain in their own Names or Right, ſo much Capital Stock, as they were before required to have for the Qualification of ſuch Sub-Governor, &c. ſo as he or they reſpectively, within three Months after his being obliged to receive Money in Diſcharge of any Part of his Share in the ſaid Capital Stock, which will reduce his Share therein under the Sum required for ſuch Qualification, obtain by Purchaſe, or otherwiſe, ſo much more Capital Stock, into his own Name and Right, as ſhall compleat the Sum neceſſary for ſuch Qualification.

XXXII. *Sect.* 7. In all Caſes where any Proprietor, or joint Proprietors of Shares in the Capital, ſhall, out of the ſaid Sum of One Million, be paid off a Dividend of Capital on their Shares, which ſhall not amount to more than 100*l.* the Company, at any Time before the Day appointed for

ſhutting up their Transfer Books, in order to the Payment of the Half Year's Annuity, to be due on the 25th of *December*, 1730, are hereby required to permit any Perſons, being Proprietors of the ſaid Stock, to transfer to ſuch Proprietors any Quantity of Stock not exceeding the Sum ſo divided out of the Capital, by writing in the Transfer-Books of the Company, without any Stamps required by former Acts in Caſes of Transfers, and without Fees or other Charges to the Company or their Officers, &c. for the ſame; and alſo to permit the Transferrers, or ſome other Perſons on their Behalf, to accept the ſame; and ſuch Transfers without Stamps, (ſubject to the Reſtrictions before-mentioned) ſhall be as good in Law, as if they had been ſtamped according to former Laws for that Purpoſe; and no Penalties or Forfeitures inflicted by any former Laws on Account of making Transfers of Stock, without being firſt ſtampt, ſhall be incurred by any Perſon acting therein in Purſuance of this Act: And it ſhall be lawful for the Company within the Time before-mentioned, to ſell to any of their Proprietors, any Parcel of that Part of their Capital Stock, as now remains in the Company, or in any Perſons in Truſt for them, not diſtributed amongſt the reſt of their Adventurers, as ſhall be ſufficient for the ſaid Purpoſes, and no more, at ſuch Prices as ſhall be agreed on between the Company and ſuch Proprietors, and to cauſe the ſame to be transferred accordingly, free from Stamps and Fees, or other Charges.

XXXIII. *Sect.* 8. In all Caſes where, in Purſuance of this Act, any Payments or Dividends ſhall be made of the Capital of any ſuch Stock as ſhall be veſted in Perſons in Truſt for others, who claim diſtinct Intereſts therein, or for any other Ends for which the Capital Sum ought to be preſerved intire, ſuch Payments of the Capital Stock ſhall not be paid or applied as Dividends of Profit, Annuity, or Intereſt, but ſhall remain in the Hands of the Truſtees, till otherwiſe diſpoſed of, at Intereſt; and for that Purpoſe the Truſtees who ſhall receive the ſame, may, at their Diſcretions, lay out and diſpoſe of the ſame, or any Part thereof, in the Purchaſe of ſo much other Capital Stock of the ſame Kind, as, at the current Market-Price of ſuch Stocks, the Monies received for ſuch Dividends ſhall, as near as may be, extend to purchaſe; which new purchaſed Stock ſhall be transferred to ſuch Truſtees, and Receipts ſhall be given by the Perſons transferring the ſame, for the Monies paid for it; and if ſuch Truſtees by Writing indorſed on, or annexed to ſuch Receipts, and ſigned or acknowledged before one of the Maſters of the Court of *Chancery*, ſhall declare that the Monies in the ſaid Receipts were the Produce of the ſaid Dividend of the ſaid Capital Stock, (which

Signing or Acknowledgment ſuch Maſters in *Chancery* are hereby required to accept or take,) and the Maſter ſhall certify the ſame by ſubſcribing his Name thereto, (for which the Maſter ſhall be paid for each Certificate One Shilling, and no more) in every ſuch Caſe, the Stock mentioned in ſuch Receipts to be transferred, ſhall be deemed liable to the ſame Truſts, for the Benefit of the ſame Perſons, and for the ſame Uſes, as the reſt of the Truſt-Stock remaining in ſuch Truſtees, ought to be liable to; and the Truſtees ſhall from thenceforth be indemnified from any Loſs, Charges, or Damages on Account of their ſo doing, at the Expences of the Truſt-Eſtates.

XXXIV. *Sect.* 9. Nothing in this Act ſhall extend to reſtrain or prohibit any ſuch Truſtees from laying out any of the Truſt-Monies in any other Purchaſes or Securities, whether publick or private, if they ſhall think fit, in the ſame Manner, and with the ſame Freedom and Security to themſelves, as they might have done, if this Act had not been made.

XXXV. Stat. 3 *G.* 2. *c.* 20. *Sect.* 21. If at the End of any one Quarter of a Year, to be computed at each of the four moſt uſual Quarters, from *Lady-Day*, 1730, the Produce into the *Exchequer*, the Monies ariſing from the ſeveral Duties and Revenues, appropriated particularly to diſcharge the Annuity or Allowance for Charges of Management to the *South-Sea* Company, in Reſpect of their Original Capital Stock of Ten Millions, ſhall not be ſufficient, together with the preſent Proviſions by Parliament, for making good any Quarterly Deficiencies therein, to diſcharge the Quarterly Annuity or Allowance, that ſhall then be due in Reſpect of the ſaid Ten Millions, or ſo much thereof as ſhall be then unredeemed; then the ſame ſhall be made good out of any Monies, which, at the reſpective Times of ſuch Deficiencies happening, ſhall be in the *Exchequer*, of the Monies ariſen, or to ariſe, of the Duties and Revenues called *The Aggregate Fund*, eſtabliſh'd by an Act paſs'd in 3 *G.* 1. which ſhall be more than ſufficient to anſwer and pay what will then be due and demandable for any prior Charges and Incumbrances on the ſaid *Aggregate Fund*.

Stamp-Duties.

1. Stat. 11 *G.* 1. *c.* 30. *Sect.* 42. When any Veſſel, Goods or Merchandizes ſhall be Inſured, a Policy duly ſtamped ſhall be iſſued, or at leaſt made out within three Days at fartheſt; and the Inſurer neglecting to make out ſuch a Policy

ſicy within that Time, ſhall forfeit 100 *l.* for every ſuch Offence, to be ſued for, recovered and divided in the ſame Way and Manner, as other Penalties and Forfeitures may be ſued for, &c. by the Laws relating to the Stamp-Duties: And all Promiſſory Notes for Aſſurances of Ships, Goods or Merchandizes, at Sea, or going to Sea, are hereby declared void, and nothing ſhall be recover'd thereon by the Inſurer.

II. Stat. 12 G. 1. c. 33. Sect. 1. *For the Relief of the Suitors of the High Court of Chancery*, After the 2d of *Auguſt*, 1726, there ſhall be, throughout *England*, *Wales*, and *Berwick upon Tweed*, raiſed and paid, during the Term of ſixteen Years, for the ſeveral Things hereafter mentioned, which ſhall be written or engroſſed, during the ſaid Term, over and above the Rates and Sums now payable in Reſpect thereof, the further Duties and Sums of Money following, *viz.*

For every Piece of Vellom or Parchment, or Piece of Paper, upon which any Original Writ (except ſuch Original on which a Writ of *Capias* iſſues) *Subpœna*, *Bill of Middleſex*, *Latitat*, Writ of *Capias*, *Quo minus*, Writ of *Dedimus Poteſtatem*, to take Anſwers and examine Witneſſes, or appoint Guardians, or any other Writ whatſoever, or any other Proceſs or Mandate that ſhall iſſue out of, or paſs the Seals of any the Courts at *Weſtminſter*, Courts of Great Seſſions in *Wales*, Courts in Counties Palatine, or any other Court whatſoever holding Plea, where the Debt or Damage doth amount to Forty Shillings, or above, or the Thing in Demand is of that Value, ſhall be ingroſſed or written, (Writs of Covenant for levying Fines, Writs of Entry for ſuffering Common Recoveries, and Writs of *Habeas Corpus*, always excepted) the Sum of 6 *d.*

For every Piece of Vellom, Parchment, or Paper, upon which any Entry of any Action in the Mayor's and Sheriff's Courts of *London*, and in Courts in all Corporations, and other Courts whatſoever, out of which no Writs or Proceſs, or Mandates iſſue, holding Plea, where the Debt or Damage doth amount to Forty Shillings, or above, ſhall be ingroſſed or written, the Sum of Six Pence.

And for every Piece of Vellom, Parchment, or Paper, upon which ſhall be ingroſſed or written any Citation or Monition made in any Eccleſiaſtical Court, the Sum of Six-Pence.

III. *Sect.* 2. For the more effectual levying and paying the Duties hereby granted, the ſame ſhall be under the Direction, Care and Management of the Commiſſioners appointed to manage the Duties payable to his Majeſty, and charged on ſtampt Vellom, Parchment, and Paper, by former Acts in that Behalf made, who, or the major Part of

them, are hereby required to emyloy the neceſſary Officers under them for that Purpoſe, and to uſe ſuch Dies and Stamps to denote the Stamp-Duties hereby charged, as they ſhall ſee proper, and to repair the ſame from Time to Time, as there ſhall be Occaſion, and to do all other Things neceſſary to be done for the putting this Act in Execution with Relation to the Duties hereby granted.

IV. *Sect.* 3. It ſhall be lawful for the ſaid Commiſſioners out of the Duties ariſing by this Act, to cauſe ſuch Sums to be paid from Time to Time, for Salaries and other incident Charges, as ſhall be neceſſary for the collecting, diſtributing, and managing the Duties by this Act granted.

V. *Sect.* 4. After the 2d of *Auguſt*, 1726, Every Perſon, who ſhall at one Time bring to be ſtamped, or buy of the Commiſſioners, Paper or Parchment, the ſaid Duties whereof ſhall amount to Ten Pounds or upwards, ſhall be allowed after the Rate of Six Pounds *per Cent. per Annum*, for ſix Months, on preſent Payment of the Dutics at the Head Office in *London* or *Weſtminſter*, and not otherwiſe, nor any other Allowance; and the Commiſſioners are hereby impowered to give Credit to the Diſtributors of ſtampt Vellom, Parchment and Paper, with theſe Duties, in the ſame Manner, and on the like Terms, as they intruſt Diſtributors with the other Duties, under their Care.

VI. *Sect.* 5. None of the Rates before in this Act expreſſed, ſhall be paid by any Perſon who ſhall be admitted to ſue and defend *in forma pauperis*.

VII. *Sect.* 6. All Vellom, Parchment, and Paper, charged by this Act with any of the Stamp-Duties hereby granted, which hath been, or ſhall, before the ſaid 2d of *Auguſt*, be ſtampt in Purſuance of former Acts relating to his Majeſty's Stamp-Duties, ſhall, before any of the Matters or Things (in Reſpect whereof any Duty is hereby made payable,) be written or ingroſſed thereon, (ſuch writing or ingroſſing being at any Time after the ſaid 2d of *Auguſt*, and within the Term of the Continuance of this Act,) be brought to the Head Office, to be ſtampt with another Mark; beſides the Marks put thereon in Purſuance of former Acts; and all Vellom, *&c.* which have not been ſtampt before the ſaid 2d of *Auguſt*, in Purſuance of former Acts, ſhall be brought to the Head Office, and there ſtampt with the proper Marks, provided and uſed in Purſuance of this Act, or the ſaid former Acts, to denote the reſpective Duties hereby and thereby chargeable thereon; and if any of the Matters and Things ſo to be ingroſſed and written as aforeſaid, ſhall, during the Term laſt mentioned, be ingroſſed or written contrary to the true Meaning hereof, upon Vellom, *&c.* not appearing to have been duly ſtamped according to this Act; then there ſhall

be

be paid (over and above the Stamp-Duties payable hereby, and by former Acts) for every ſuch Matter and Thing reſpectively, the Sum of 5*l.* and no ſuch Matter or Thing ſhall be available in Law or Equity, or be given in Evidence, or admitted in any Court, unleſs as well the Duties hereby charged in Reſpect thereof, as the ſaid Sum of 5*l.* ſhall be firſt paid to the Receiver General of the Stamp-Duties, his Deputy, or Clerk, and until the Vellom, &c. upon which ſuch Matter or Thing is ſo written or ingroſſed, ſhall be ſtamped according to the true Meaning hereof: And the ſaid Receiver General, &c. are hereby required, upon Payment or Tender of the ſaid Duties, and of the ſaid Sum of 5*l.* and of ſuch other Sums, as by former Acts are payable in that Behalf, to give a Receipt for ſuch Monies; and the other proper Officers are required to ſtamp ſuch Matters and Things with the proper Marks required in that Behalf; which Sum of 5*l.* is to be applied to the ſame Uſes, as the Duties hereby granted are to be applied.

VIII. *Sect.* 7. Every Commiſſioner and Officer, who ſhall act in the managing or collecting the Stamp-Duties hereby granted, ſhall, before he ſhall act about the ſame, take the Oath following, *viz.*

I A. B. *do ſwear, that I will faithfully execute the Truſt repoſed in me, purſuant to the Act of Parliament made in the Twelfth Year of the Reign of his Majeſty King* GEORGE, (*Intituled*, An Act for Relief of the Suitors of the High Court of Chancery) *whereby certain additional Duties are charged or made payable, in reſpect of the ſeveral Matters and Things engroſſed or written, as therein is mentioned, without Fraud or Concealment; and ſhall, from Time to Time, true Account make of my Doings therein, and deliver the ſame to ſuch Perſon or Perſons, as by the ſaid Act are impowered to receive ſuch Account; and ſhall take no Fee, Reward, or Profit whatſoever, for the Execution or Performance of the ſaid Truſt, or the Buſineſs relating thereto, from any Perſon or Perſons whatſoever, other than ſuch as by the ſaid Act is allowed of.*

So help me GOD.

Which Oath may be adminiſtred by any two or more of the Commiſſioners, or by one or more Juſtices of the Peace.

IX. *Sect.* 8. All the Officers who ſhall be concerned in the collecting or receiving the Duties ariſing by this Act, ſhall keep ſeparate and diſtinct Accounts thereof, and pay the ſame to the Caſhier of the Bank of *England*, who is required to receive the ſame; and his Receipt ſhall be a ſufficient Diſcharge to the Receiver General, &c. which Payments

ments are to be made weekly on *Wedneſday* in every Week, unleſs it be an Holiday, and then the next Day after, which ſhall not be an Holiday.

X. *Sect.* 9. A Book ſhall be kept in the Bank of *England*, wherein all the Monies to be paid weekly, as aforeſaid, ſhall be entred apart and diſtinct from all other Monies paid or payable on Account of the Suitors of the Court of Chancery; and the ſaid Monies, when paid to the Caſhire of the Bank, ſhall be conſidered as Part of the general and common Caſh of the Court of Chancery; and, as ſuch, ſhall be iſſued and applied for the Payment of the Suitors of the ſaid Court, in Manner as the ſaid Court ſhall direct.

XI. *Sect.* 10. All Receivers General, Controllers, Collectors, and other Officers, who ſhall be concerned in the managing, raiſing, receiving, or paying the Duties ariſing by this Act, or in keeping the Accounts thereof, or accounting in Reſpect of the ſame, ſhall perform their Duties therein, under the like Penalties, Forfeitures, and Diſabilities for any Offence or Neglect, or for detaining or miſapplying any Part of the ſaid Monies, as are preſcribed and to be inflicted by Virtue of the Act 9 *W.* 3. *c.* 44.

XII. *Sect.* 11. All Powers, Proviſions, Articles, Clauſes, Pains of Death, and other Penalties and Forfeitures, Diſtribution of Forfeitures, and all other Matters and Things preſcribed and contained in the Act 9 *W.* 3. *c.* 25. [*which ſee in* Vol. IV. Tit. Taxes,] or in any other Act relating to the like Duties, which are now in Force, and not hereby altered, ſhall be of full Force with Relation to the Stamp-Duties hereby charged, during all the ſaid Term of Sixteen Years, &c.

XIII. *Sect.* 12. The Receiver General, Controller, or other Perſon employ'd in the directing, receiving, collecting, or paying the Duties hereby granted, ſhall, between the Second of *Auguſt* and the Twenty-fifth of *December* in every Year, during the Continuance of this Act, exhibit their yearly Accounts thereof to the Auditors of the Impreſt, or one of them, who ſhall examine upon Oath the ſaid Receiver-General, Controller, or other Perſon or Accomptant employed in raiſing, receiving, &c. the ſaid Duties, concerning what Sums of Money were by them reſpectively raiſed or received within the Time of ſuch their Accounts; and likewiſe what Part thereof was by them paid to the Caſhire of the Bank of *England*; and in making their Accounts before the Auditors, they are to produce proper Vouchers for every Sum of Money by them received or paid; and the Auditor ſhall have of every Perſon accounting 20 *s.* and no more, for every 1000 *l.* the ſaid Account

ſhall

ſhall amount to; which Accounts ſo audited, ſhall be ſigned by the Auditor, and the ſame ſhall be to the ſaid Receiver General, his Deputies, the Controller, and all other Officers therein concerned, a full and ſufficient Warrant and Diſcharge to all Intents and Purpoſes.

XIV. *Sect.* 13. If the Court of Chancery ſhall judge it neceſſary, for the Payment of the Demands of the Suitors of the ſaid Court, to borrow Money on the Duties or Fund hereby granted, it ſhall be lawful for the ſaid Court to borrow any Sums of Money thereon, not exceeding in the Whole, the Sum of 60,000 *l.* at ſuch Times, and in ſuch Proportions, and to make or grant ſuch Order or Security on the ſaid Fund, for Re payment of the Money borrowed, with Intereſt not exceeding 5 *l. per Cent. per Ann.* at ſuch Times, and in ſuch Manner as the ſaid Court ſhall direct; which Money ſo borrowed ſhall be paid into the Bank of *England*, and be made Part of the general and common Caſh of the ſaid Court, for the Benefit of the Suitors, and ſhall be iſſued by the Bank for the like Benefit, as the Court of Chancery ſhall direct.

XV. *Sect.* 14. A Book ſhall be kept in the Bank of *England*, in which an Account of the Monies borrowed on the Credit of this Act ſhall be fairly and orderly entred, expreſſing the Sums borrowed, the Times when advanced, together with the Names of the Perſons lending the ſame; and all Perſons who ſhall lend Money on the Credit of this Act, and pay the ſame into the Bank of *England*, ſhall, on producing a Receipt under the Hand of the Caſhire of the Bank, have an Order of the Court of Chancery for Repayment of their Principal Money, with Intereſt, to be accounted from the Time of advancing the Principal, and to be payable by Half yearly Payments, 'till the Re-payment of the Principal Monies; and ſuch Orders for Repayment ſhall be regiſtred in a Book to be kept for that Purpoſe with ſuch Perſon as the Court of Chancery ſhall direct, in due Courſe of Time, according to the Date of the Orders; and all Perſons ſhall be paid in Courſe, according as their Orders ſhall ſtand regiſtred in ſuch Book; ſo that the Perſon who ſhall have his Order firſt regiſtred, ſhall be accounted as the firſt to be paid out of the Monies to ariſe by Virtue of this Act; and he who ſhall have his Order next entred, ſhall be taken to be the Second to be paid, and ſo ſucceſſively and in Courſe; and the Monies to come in by this Act, ſhall be in the ſame Order liable to the Satisfaction of the reſpective Parties, their Executors, &c. ſucceſſively, without any undue Preference, and not to be diverted to any other Uſe; and no Fee or Gratuity ſhall be directly or indirectly demanded or taken of any Perſon,

for

for providing ſuch Books, or making ſuch Entries, or for any View or Search of the ſame, or for the Payment of any Money lent on the Credit of this Act, or the Intereſt thereof, by any Officers, their Clerks or Deputies, on Penalty of treble Damages to the Party grieved, by the Party offending, with Coſts of Suit; or if the Officer himſelf take or demand any ſuch Fee or Reward, he ſhall loſe his Place alſo; and if any undue Preference ſhall be made, either in Point of Regiſter or Payment, by any ſuch Officer, the Party offending ſhall be liable, by Action of Debt or on the Caſe, to pay the Value of the Debt, Damages and Coſts to the Party grieved, and ſhall be fore-judged from his Office: And if ſuch Preference be unduly made by his Deputy or Clerk, without the Direction or Privity of his Maſter, then ſuch Deputy or Clerk only ſhall be liable to ſuch Action, Debt, Damages and Coſts as aforeſaid, and ſhall be for ever after incapable of his Place or Office; all which Penalties, Forfeitures, Damages and Coſts to be forfeited and incurred by any of the laſt mentioned Officers, or any of their Deputies or Clerks, may be recovered by Action of Debt, *&c.* in any Court of Record at *Weſtminſter*, wherein no Eſſoign, *&c.* ſhall be allowed.

XVI. *Sect.* 15. If it happen that ſeveral Orders for Payment bear Date, or be brought the ſame Day to the Officer to be regiſtred, it ſhall be interpreted no undue Preference which of them he enters firſt, ſo he enters them all the ſame Day.

XVII. *Sect.* 16. It ſhall not be interpreted to incur any Penalty in Point of Payment, to pay ſubſequent Orders of the Perſons that come and demand their Money, and bring their Orders, before other Perſons that did not come and demand their Money, and bring their Orders in Courſe, ſo as there may be ſo much Money reſerved as will ſatisfy Orders, which ſhall not be otherwiſe diſpoſed, but kept for them; the Intereſt upon Loans being to ceaſe from the Time the Money is kept in Bank for them.

XVIII. *Sect.* 17. Every Perſon, Bodies Politick, *&c.* to whom Money ſhall be due by Virtue of this Act, and Orders entred for Payment thereof, their Executors, *&c.* by Indorſement of their Orders reſpectively, may aſſign their Right, Title, Intereſt, and Benefit of ſuch Order, or any Part thereof, to any other; which being entred in the Office hereby appointed for entring ſuch Orders, and an Entry thereof alſo made in the Book of Entry of ſuch Orders (which the Officer ſhall, upon Requeſt, without Fee or Charge, accordingly make) ſhall intitle ſuch Aſſignees, their Executors, *&c.* to the Benefit thereof; and ſuch Aſſignees may in like Manner aſſign again, and ſo *toties quoties*; and after-

afterwards it ſhall not be in the Power of the Perſons who have made ſuch Aſſignments, to make void or diſcharge the ſame, or to releaſe any the Monies thereby due, or any Part thereof.

XIX. *Sect.* 18. All the Money now depoſited in the Bank, or that ſhall hereafter be paid there, on Account of the Suitors of the Court of Chancery, and by Order of that Court; and all the Monies ariſing by the Duties given by this Act, or borrowed thereon, and paid into the Bank, ſhall be one common and general Caſh, and ſhall be promiſcuouſly iſſued, when, and as the Court of Chancery ſhall direct, for anſwering and paying the Debts and Demands of any of the Suitors.

Taxes.

I. Stat. 11 G. 1. *c.* 1. AN Act for granting an Aid to his Majeſty by a Land-Tax to be raiſed in *Great Britain*, for the Service of the Year 1725.

This Act was for raiſing the Sum of 1,019,201 l. 12 s. 11 d. *in* Great Britain, *whereof* 995,224 l. 12 s. 4 d. *to be raiſed in one Year, from the* 25th *of* March, 1725, *to be aſſeſſed on the ſeveral Counties, Cities,* &c. *of* England, Wales, *and* Berwick *upon* Tweed, *according to the Proportions ſet down in the Act, towards the raiſing whereof* 2 s. *in the Pound was to be aſſeſſed on Perſonal Eſtates. And the Reſidue, being* 23,977 l. 7 d. *to be raiſed in* Scotland *by an eight Months Ceſs of* 2,997 l. 2 s. 6 d. *and ſeven Eighths of a Penny* per Menſem, *out of the Land-Rent. In this Act there was a Clauſe of Loan of One Million, with Intereſt of* 3 l. per Cent. per Annum, *and the Money lent to be Tax-free; and the Lenders to have Tallies, Orders,* &c.

II. *Sect.* 122. The Sum of 13,010 *l.* 7 *s.* 2 *d.* ¼. remaining in the Exchequer for Arrears of ſeveral Land-Taxes, payable in the Year 1721, or before, ſhall be applied as Part of the Supply of the Year 1725.

III. *Sect.* 123. A Book ſhall be kept in the Office of the Auditor of the Receipt of the Exchequer, to which the Monies lent on the Act 8 G. 1. *c.* 1. being the Land-Tax Act for the Year 1722, remaining unſatisfy'd on the 17th of *December*, 1724, ſhall, in the firſt Place, be transferred, and ſhall be paid out of the Monies ariſing by this Act in Courſe and Order; all which Loans being ſo transferred, the Monies, which then-after ſhall come into the Exchequer for Arrears of the ſaid Land-Tax, ſhall be applied in Aid of the Supply of the preſent Year 1725.

IV.

IV. *Sect.* 124. If the Monies to ariſe into the Exchequer, on the 20th of *September*, 1725, ſhall not be ſufficient to diſcharge the Loans made upon the Act 9 G. 1. *c.* 2. being the Land-Tax for the Year 1723, then the Deficiencies ſhall be made good out of the Monies ariſing by this Act.

V. Stat. 11 G. 1. c. 7. *An Act for rating ſuch unrated Goods and Merchandizes, as are uſually imported into this Kingdom, and pay Duty* ad valorem, *upon the Oath of the Importer*, &c. See Cuſtoms, Par. I. Drugs, Par. VI. Apples, Par. I. Pictures, Par. I.

VI. Stat. 11 G. 1. *c.* 8. *Sect.* 16. All Monies lent on the Land-Tax Act of this Seſſions, and on this preſent Act, and the Sum of 13,010 *l.* 7 *s.* 2 *d.* ½. remaining in the Exchequer on Arrears of former Land-Taxes, ſhall be appropriated to the Uſes herein expreſſed, *viz.* 57,953 *l.* 5 *s.* 9 *d.* ¼. to make good the Deficiency of the General Fund for the Year ended at *Michaelmas*, 1724.

VII. *Sect.* 17. 734,295 *l.* 14 *s.* 9 *d.* for defraying the Charge of the Ordinary of his Majeſty's Navy, and for Half-Pay to Sea-Officers, and for Victuals, Wages, Wear and Tear of the Navy, and the Victualling thereof; and for Sea-Services in the Office of Ordnance, and for other Services of the Navy, performed and to be performed.

VIII. *Sect.* 18. 80,080 *l.* 11 *s.* 10 *d.* for defraying the Charge of the Office of Ordnance for Land Services, performed and to be performed; and ſeveral extraordiny Expences of the ſaid Office, not provided for by Parliament.

IX. *Sect.* 19. 912,968 *l.* 2 *s.* 8 *d.* ¼. for maintaining his Majeſty's Land-Forces, and other Services hereafter expreſſed, *viz.* 654,488 *l.* 17 *s.* 8 *d.* for defraying the Charge of 18,264 effective Men, including Commiſſion and Non-Commiſſion Officers and Invalids, for Guards, Garriſons, and other Land-Forces in *Great Britain*, *Jerſey* and *Guernſey*, and other Services relating to the Forces for the Year 1725; and 152,637 *l.* 16 *s.* 5 *d.* ½. for the Forces and Garriſons in the Plantations, *Minorca* and *Gibraltar*; and for Proviſions for the Garriſons of *Annapolis Royal*, *Placentia*, and *Gibraltar*, for the Year 1725; and 12,000 *l.* on Account for Out-Penſioners of *Chelſea Hoſpital*, for the Year 1725; and 16,841 *l.* 8 *s.* 6 *d.* ¼. for defraying ſeveral extraordinary Expences incurred, and not provided for by Parliament, on Account of Proviſions for the Garriſon of *Gibraltar*; and for Loſs by Bills of Exchange drawn by *Moſes Bevanger* in the Year 1721, for remitting Subſiſtence to the Forces in

Minorca and *Gibraltar*, which were returned proteſted; and on Account of what is due to the Garriſon of *Placentia*, and the four late independent Companies of that Garriſon, between the 24th of *April*, 1713, to the 24th of *Auguſt*, 1717, when the ſaid Companies were regimented: And 77,000 *l.* on Account of Half-Pay to the reduced Officers of the Land-Forces and Marines for the Year 1725; but ſubject to the Rules hereafter preſcribed: And 37,931 *l.* 9 *s.* 10 *d.* ½. towards making good the Deficiency of the Grants for the Service of the Year 1724.

X. *Sect.* 20. The ſaid Aids or Supplies ſhall not be iſſued or applied to any other Uſe whatſoever, other than the Uſes before-mentioned, or for Deficiencies before directed to be ſatisfied out of the ſaid Loans, by any particular Clauſes for that Purpoſe, contained in this Act, or in the Land-Tax Act of this Seſſion.

XI. *Sect.* 21. As to the 70,000 *l.* by this Act appropriated on Account of Half-Pay, the following Rules ſhall be obſerved in the Application thereof, *viz.* No Perſon ſhall have any Part of the ſame, who was a Minor under the Age of Sixteen Years, when the Regiment, Troop or Company, in which he ſerved, was reduced. None ſhall receive any Part thereof, except ſuch Perſons who did actual Service in ſome Regiment, Troop, or Company. No Perſon, having any other Place or Employment of Profit, Civil or Military, under his Majeſty, ſhall have any Part of the Half-Pay. No Chaplain of any Garriſon or Regiment, who has any Eccleſiaſtical Benefice in *Great Britain* or *Ireland*, ſhall receive any of the ſaid Half-Pay. No Perſon ſhall have any Part of the ſame, who hath reſigned his Commiſſion, and has had no Commiſſion ſince. No Part of the ſame ſhall be allowed to any Perſons by Virtue of any Warrant or Appointment, except to ſuch who would have been otherwiſe entitled to the ſame, as reduced Officers: And no Part thereof ſhall be allowed to any of the Officers of the Five Regiments of Dragoons, and Eight of Foot, lately diſbanded in *Ireland*, except to ſuch as were lately taken off the Eſtabliſhment of Half-Pay in *Great Britain*.

XII. *Sect.* 22. So much of the 79,000 *l.* granted for Half-Pay by the Act of 10 *G.* 1. *c.* 2. for the Year 1724, as is more than ſufficient to ſatisfy the reduced Officers, or any Part of ſuch Overplus, may be diſpoſed to ſuch Officers, who were maimed or loſt their Limbs in the late Wars; or to ſuch as by Reaſon of their long Service, or otherwiſe, his Majeſty ſhall judge to be proper Objects of Charity, or to the Widows or Children of ſuch Officers, according to ſuch Warrants under the Royal Sign Manual, as ſhall be ſigned in that Behalf.

XIII.

XIII. Stat. 11 G. 1. c. 8. *An Act for continuing the Duties on Malt, Mum, Cyder and Perry, in that Part of* Great Britain *called* England, *and for granting to his Majeſty certain Duties upon Malt, Mum, Cyder and Perry, in that Part of* Great Britain *called* Scotland, *for the Service of the Year* 1725, &c. See Exciſe, Par. I. and Scotland, ſub eodem Titulo.

XIV. Stat. 11 G. 1. c. 9. *An Act for continuing the ſeveral Annuities of* 88,751 l. 7 s. 10 d. ½. *and* 100,000 l. *to the Bank of* England, *until* Midſummer, 1727, *and from thence for reducing the ſame to* 71,001 l. 2 s. 3 d. ¾. *and* 80,000 l. *redeemable by Parliament*, &c. See Annuities, Par. I.

XV. Stat. 11 G. 1. c. 17. *An Act for redeeming the Annuities of* 25,000 l. per Ann. *charged on the Civil Liſt Revenues, by an Act of the 7th Year of his Majeſty's Reign, and for diſcharging the Debts and Arrears due from his Majeſty to his Servants, Tradeſmen, and others.* See Exchequer-Bills, Par. II.

XVI. Stat. 12 G. 1. *c.* 1. An Act for granting an Aid to his Majeſty by a Land-Tax to be raiſed in *Great Britain*, for the Service of the Year 1726.

This Act was for raiſing, in Great Britain, *within the Space of One Year, from the 25th of* March, 1726, *the Sum of* 1,019,201 l. 12 s. 11 d. *whereof the Sum of* 995,224 l. 12 s. 4 d. *to be aſſeſſed in* England, Wales, *and* Berwick *upon* Tweed, *according to the Proportions ſet down in the Act; towards the raiſing whereof* 2 s. *in the Pound was to be aſſeſſed on Perſonal Eſtates: And the Reſidue, being* 23,977 l. *and* 7 d. *to be raiſed in* Scotland *by an Eight Months Ceſs of* 2,997 l. 2 s. 6 d. *and Seven Eighth Parts of a Penny* per Menſem, *out of the Land-Rent. In this Act there is a Clauſe of Loan of any Sum not exceeding One Million, with Intereſt of* 3 l. per Cent. per Annum, *the Money lent to be Tax free, and the Lenders to have Tallies, Orders*, &c. *And if no Loans were made, or that the Loans made did not amount to One Million, then the Treaſury was to iſſue any Number of Exchequer-Bills, ſo as the whole Sums contained therein ſhall not exceed One Million, if no Loans were made; and if Loans were made, then all the Bills, together with the Loans ſo made were not to exceed the ſaid Sum. The Bills to bear Intereſt at* 2 d. per Cent. per Diem; *with the uſual Clauſes for iſſuing and circulating of Exchequer-Bills, exactly the ſame* (mutatis mutandis) *as in the Act* 11 G. 1. c. 17. *to which for avoiding Repetition, we refer the Reader, who will find them in* Tit. Exchequer-Bills, Par. II. & ſequentibus.

XVII.

XVII. *Sect.* 165. All the Monies of the Sinking Fund (except ſuch as are ſpecially charged) ſhall be appropriated for diſcharging the National Debts incurred before the 25th of *December*, 1716, as may be redeemed, and are provided for by Acts of Parliament, in ſuch Manner as ſhall be appointed by any future Acts, and to no other Uſe.

XVIII. *Sect.* 166. If the Monies ariſen, or to ariſe into the Exchequer on Account of the Land-Tax Act of 10 G. 1. *c.* 1. on or before the 29th of *September*, 1726, ſhall not be ſufficient to ſatisfy the Loans made upon that Act, the Deficiency ſhall be made good out of the Monies ariſing by the Loans upon this Act, or any other Monies that are appropriated for the Service of the Year 1726, and that the Treaſury ſhall direct the ſame accordingly.

XIX. **Stat.** 12 G. 1. c. 2. *An Act for granting to his Majeſty, the Sum of One Million, to be raiſed by Way of a Lottery.* See **Lottery**, Par. I.

XX. **Stat.** 12 G. 1. *c.* 4. An Act for continuing the Duties on Malt, Mum, Cyder and Perry, in that Part of *Great Britain* called *England*; and for granting to his Majeſty certain Duties on Malt, *&c.* in that Part of *Great Britain* called *Scotland*, for the Service of the Year 1726. *See* **Exciſe, Scotland.**

By this Act the Duties on Malt, *&c.* are farther continued from 23 *June*, 1726, to 24 *June*, 1727; and in the Act there is a Clauſe for 750,000 *l.* with Intereſt at 3 *l. per Cent.* Tax-free.

XXI. *Sect.* 57. All the Monies, which after the 5th of *May*, 1726, ſhall come into the Exchequer for Arrears of the Duties on Malt, Mum, *&c.* granted for the Service of the Year 1724, ſhall be applied in Aid of the Supplies granted to his Majeſty for the Year 1726.

XXII. **Stat.** 12 G. 1. c. 12. *An Act for granting an Aid to his Majeſty by laying a Duty upon all Victuallers and Retailers of Beer and Ale within the Cities of* London *and* Weſtminſter, *and the Weekly Bills of Mortality*, &c. [See **Victuallers**,] *And alſo for adding One hundred additional Hackney Chairs to thoſe already licenſed*, &c. See **Coaches.**

XXIII. *Sect.* 18. The Sum of 7,046 *l.* 13 *s.* 8 *d.* ¾. remaining in the Exchequer for the Arrears of ſeveral Land-Taxes payable before the Year 1723, ſhall be applied as Part of his Majeſty's Supply, granted for the Service of the Year 1726.

XXIV. *Sect.* 19. The Commiſſioners of the Treaſury ſhall, at any Time before the Twenty-fourth of *March*, 1726, at once, or in ſuch Proportions at a Time as they ſhall find to be moſt for the Advantage of the Publick, cauſe to be prepared at the Exchequer, in ſuch Method and Form as they ſhall think moſt ſafe and convenient, any Number of new Exchequer-Bills, containing one, or different Sums, in the Principal Monies, not exceeding in the Whole, 500,000 *l.* Sterling.

XXV. *Sect.* 20. The ſaid Bills ſhall bear an Intereſt of 2 *d. per Cent. per Diem*, payable to the Bearers; but the Intereſt ſhall be ſaved on ſuch of the Bills as ſhall at any Time be in the Receipt of the Exchequer, or the Hands of any Receivers or Collectors of Taxes.

XXVI. *Sect.* 21. The Bills ſhall be numbred arithmetically, beginning with Number I. and ſhall be regiſtred accordingly, ſo that the principal Sums to be contained in every Bill may be paid off in Courſe; and the Intereſt ſhall be payable every Three Months; and on every Bill ſhall be indorſed the Sum, after which the Principal to be contained therein ſhall be paid in Courſe; and the Bills ſhall be marked with ſuch Cheques, Indents, or Counterfoils, as the Treaſury ſhall direct; and the Perſon who is to have the Paying off the Bills, ſhall have one Part of the Cheques, *&c.* and the Contractors for circulating the Bills, the other, to prevent their being impoſed on; and all the Parts of the Cheques, *&c.* ſhall be delivered back into the Exchequer, when the Bills ſhall be cancelled.

XXVII. *Sect.* 22. Theſe Bills ſhall be placed as Caſh in Tellers Offices; and the Tellers ſhall be ſeverally chargeable with the Proportion of the Bills ſo placed in their Offices.

XXVIII. *Sect.* 23. Theſe Bills ſhall be current in like Manner, and ſubject to ſuch Rules as are preſcribed by the Land-Tax Act of this Seſſion, concerning the Exchequer-Bills thereby authorized to be made forth; and all the Clauſes relating to the Currency, Exchanging, *&c.* of theſe Bills, ſhall be conſtrued to extend, as well to the Exchequer-Bills to be made forth by this Act, as to the Bills made forth in Purſuance of the ſaid Act; as fully as if the Clauſes and Proviſoes had been particularly repeated *verbatim* in this Act.

XXIX. *Sect.* 24. All theſe Bills ſhall be charged on the Monies that ſhall ariſe by the Duties hereby charged on the Retailers of Beer and Ale; and the Monies ſhall be iſſued towards taking in, circulating, and diſcharging theſe Bills, as the Treaſury ſhall think fit.

XXX.

XXX. *Sect.* 25. Every Year, during the Continuance of these Bills, the Treasury shall, on *Michaelmas* Day, or within twenty Days after, cause a true Account to be taken and attested by the proper Officers, of all the Monies that shall in the preceding Year have been paid into the Exchequer, on Account of the said Duties or Compositions upon Retailers of Beer and Ale, and how much thereof hath been applied, or will be necessary for the Interest on the said Bills, and for the Charges of circulating and exchanging the same; and if any Surplus remain, it shall be applied, so far as it will extend, towards paying off the Principal Sums contained in such Bills, and cancelling and discharging the same in a Numerical Course.

XXXI. *Sect.* 26. In Case that on any such Feast Day, the Money arisen in the preceding Year shall be so deficient, as not to be sufficient to discharge such Interest or Charges, such Deficiency shall be made good out of the first Supplies to be granted in Parliament, next after such Deficiency shall appear: And if such Supply be not granted within six Months next after such Deficiency shall happen, then the same shall be made good out of the Sinking Fund, and the Monies of that Fund may from Time to Time be issued and applied accordingly.

XXXII. *Sect.* 27. What Monies shall be issued out of the Sinking Fund, shall from Time to Time be replaced out of the first Aids to be then after granted in Parliament.

XXXIII. *Sect.* 28. The Aids and Supplies granted this Session, shall be appropriated as follows, *viz.* 62,235*l.* 8*s.* 8*d.* to make good the Deficiency of *The General Fund*, for the Year ended at *Michaelmas*, 1725.

XXXIV. *Sect.* 29. 732,181*l.* 5*s.* 8*d.* for defraying the Charge of the Ordinary of the Navy, and for Half-Pay to the Sea-Officers, and for Victual, Wages, Wear and Tear of the Navy, and for Victualling thereof, and for Sea-Services in the Office of the Ordnance, and for other Services of the Navy.

XXXV. *Sect.* 30. 79,412*l.* 13*s.* 3*d.* for the Charge of the Office of Ordnance for Land-Forces, and for several extraordinary Expences of that Office for Land-Service, not provided for by Parliament.

XXXVI. *Sect.* 31. 901,034*l.* 7*s.* 8*d.* ½. for the Land-Forces, and other Services herein after more particularly expressed, *viz.* 655,178*l.* 0*s.* 2*d.* for defraying the Charge of 18,226 effective Men, including Commission and Non-Commission Officers, and Invalids, for Guards, Garrisons, and six Independent Companies for the Service of the *Highlands*, and other Land-Forces in *Great Britain*, *Jersey* and *Guernsey*, and other Services relating to the Forces for the Year 1726;

152,637*l.* 16*s.* 5*d.* ½. for the Forces and Garriſons in the Plantations, *Minorca*, and *Gibraltar*, and for Proviſions for the Garriſons of *Annapolis Royal*, *Placentia* and *Gibraltar*, for the Year 1726. And 14,930*l.* 15*s.* 5*d.* for Out-Penſioners of *Chelſea Hoſpital*; 5,287*l.* 15*s.* 8*d.* for defraying ſeveral extraordinary Expences and Services relating to the Forces, incurred and not provided for by Parliament; 73,000*l.* for Half-Pay to reduced Officers of his Majeſty's Land-Forces and Marines, but ſubject to the Rules herein after preſcribed; and 158,389*l.* 2*s.* 8*d.* towards making good the Deficiency of the Act 9 G. 1. *c.* 18. *For laying a Tax upon Papiſts, &c.* and 990,000*l.* for diſcharging the like Sum in Exchequer-Bills, being the remaining Part of the Bills for One Million made forth in Purſuance of the Act 11 G. 1. *c.* 17.

XXXVII. *Sect.* 32. Out of the ſaid Supplies there ſhall be iſſued ſuch Sums of Money as ſhall be neceſſary for the Payment of ſuch additional Number of Seamen, as his Majeſty ſhall think fit to employ for the Service of the Year 1726; and for defraying ſuch Engagements as have been, or ſhall be, before the 25th of *December*, 1726, made by his Majeſty, in concerting ſuch Meaſures, as he in his great Wiſdom thinks will beſt conduce to the Security of the Trade and Navigation of this Kingdom, and the Preſervation of the Peace of *Europe*.

XXXVIII. *Sect.* 33. The ſaid Supplies ſhall not be iſſued or applied to any other Uſe, Intent or Purpoſe whatſoever.

XXXIX. Sect. 34. *This Clauſe contains the Rules to be obſerved in the Application of the* 73,000 l. *by this Act appropriated on Account of Half-Pay; which Rules are* verbatim *the ſame as in the Act* 11 G. 1. c. 8. *which ſee above*, Par. XI.

XL. *Sect.* 35. So much of the Sum of 77,000*l.* which by the Act 11 G. 1. *c.* 8. was appropriated on Account of Half-Pay for the Year 1725, to the reduced Officers of his Majeſty's Land Forces and Marines, as ſhall be more than ſufficient to ſatisfy the ſaid reduced Officers, or any Part of ſuch Overplus, ſhall be diſpoſed of to ſuch Officers, who are maimed, or loſt their Limbs in the late Wars, or to ſuch others as by Reaſon of their long Service, or otherwiſe, his Majeſty ſhall judge to be proper Objects of Charity, or to the Widows or Children of ſuch Officers, according to ſuch Warrants under his Majeſty's Royal Sign Manual, as ſhall be ſigned in that Behalf.

XLI. Stat. 12 G. 1. c. 33. *An Act for the Relief of the Suitors of the High Court of Chancery.* Vide Stamp-Duties.

XLII. Stat. 13 G. 1. c. 1. *An Act for granting an Aid to his Majeſty by a Land-Tax to be raiſed in* Great Britain *for the Service of the Year* 1727.

By this Act the Sum of 2,038,352l. 1s. 10d. *is enacted to be raiſed in* Great Britain, *whereof* 1,990,398l. 8d. *Part thereof to be raiſed in one Year from the 25th of* March 1727, *in* England, Wales, *and* Berwick, *by a Pound Rate, at* 4s. *in the Pound on Lands and Perſonal Eſtates. And the Sum of* 47,954l. 1s. 2d. *being the Reſidue thereof, to be raiſed in* Scotland *by an eight Months Ceſs of* 5,994l. 5s. 1d. ¼. per Menſem, *of lawful Money of* Great Britain, *to be raiſed out of the Land-Rent. In this Act there is a Clauſe of Loan for any Sum not exceeding* 2,000,000l. *with Intereſt at* 4l. per Cent. *and the Money lent to be Tax-free.*

XLIII. *Sect.* 163. All the Monies of *the Sinking Fund*, (except ſuch as are ſpecially charged) ſhall be appropriated for diſcharging the National Debts incurred before the 5th of *December* 1716, as may be redeemed, and are provided for by Acts of Parliament, in ſuch Manner as ſhall be appointed by any future Acts, and to no other Uſe.

XLIV. *Sect.* 164. If the Monies ariſen or to ariſe into the Exchequer, on Account of the Land-Tax Act 11 G. 1. *c.* 1. on the 29th of *Sept.* 1727, ſhall not be ſufficient to ſatisfy the Loans made upon that Act, the Deficiency ſhall be made good out of the Loans on this Act, or any other Monies that are appropriated for the Year 1727, and the Treaſury are to direct the ſame accordingly.

XLV. Stat. 13 G. 1. c. 3. *An Act for redeeming ſundry Annuities tranſferrable at the Bank of* England, *and the Annuities payable on ſtanding Orders for Army Debentures, by the Produce of the Sinking Fund, for applying to the ſame Fund the Money remaining in the* Exchequer *on the Head of the Bankers Debt, and making Proviſion for future Claims on the ſaid Debt, and for applying the Lottery Tickets,* Anno 1726, *which were returned into the* Exchequer, *to diſcharge the Standing Orders made out for the Suffevers at* Nevis *and* St. Chriſtophers, *as far as the ſame will extend.* See Annuities, Par. VI. Lottery, Par. V.I.

XLVI. Stat. 13 G. 1. c. 7. An Act for continuing the Duties on Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to his Majeſty certain Duties on Malt, Mum, Cyder and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year 1727, and for appropriating the Supplies granted in this preſent Seſſion of Parliament, &c.

By this Act the Duties on Malt, &c. *are farther continued from the* 23d *of* June 1727, *to the* 24th *of* June 1728. *And in the*

Act there is a Clauſe of Loan for 750,000 l. *with Intereſt at* 4 l. per Cent. *and the Money lent to be Tax-free.*

XLVII. *Sect.* 19. The Money ariſing by this Act, ſhall, as the ſame ſhall ariſe, be applied for paying off the Orders of Loan, and Intereſt, and be iſſued to the Paymaſter by way of Impreſt, and upon Account, for diſcharging the Exchequer-Bills, which ſhall have been made forth by Virtue of this Act, in due Courſe, and for the Charge of exchanging and circulating the ſaid Bills, and for ſuch other Payments as are in this Act directed.

XLVIII. *Sect.* 20. On the 29th of *September*, 1728, or within ten Days after, the Treaſury ſhall cauſe an Account to be taken, and atteſted by the proper Officers, of all the Monies raiſed by Loans or Exchequer-Bills towards the 750,000 *l.* intended to be raiſed, and how much thereof ſhall, before that Time, have been paid off, and how much ſhall remain undiſcharged, which Account ſhall be publickly affixed in the Auditor's Office.

XLIX. *Sect.* 21. The undiſcharged Monies ſhall be ſatisfied out of the next Aids granted in Parliament after the 29th of *September* 1728, and if no ſuch Aids be granted before the 24th of *March*, 1728, then the Monies, with the Intereſt, ſhall be charged on the Sinking Fund, and the Treaſury are to iſſue out the Monies accordingly: If before or after any Money of the Duties ſhall be brought into the Exchequer, there ſhall happen to be a want of Money for paying the Intereſt on the Bills, or for Premiums for Contracts, it ſhall be ſupplied out of the Sinking Fund; and when all the Principal, Intereſt and Premiums ſhall be fully paid off, if Arrears of the Duties remain, the ſame ſhall be added to the Sinking Fund.

L. *Sect.* 22. Whatever Monies ſhall be iſſued out of the Sinking Fund, ſhall be replaced out of the firſt Supplies to be then next granted in Parliament.

LI. *Sect.* 23. If the Monies ariſen on Account of the Duties on Malt, *&c.* granted by 11 *G.* 1. *c.* 8. before the 29th of *September*, 1727, ſhall not be ſufficient to diſcharge the Principal and Intereſt due thereon, then the Deficiency ſhall be made good out of the Loans on this Act, or any other Monies appropriated for the Service of the Year 1727.

LII. *Sect.* 24. After the 29th of *April*, 1727, all the Monies which ſhall come into the Exchequer on Arrears of the Duties on Malt, Mum, *&c.* granted for the Service of the Year 1725, ſhall be iſſued in Aid of the Supplies granted for the Service of the Year 1727.

LIII. *Sect.* 25. All the Monies granted this Seſſion, ſhall be appropriated as follows, *viz.* 54,196 *l.* 7 *s.* 9 *d.* ½. to make good the Deficiency of the General Fund, for the Year ended at *Michaelmas*, 1726.

LIV.

LIV. *Sect.* 26. 1,239,071*l.* 7*s.* 8*d.* for defraying the Charge of the Ordinary of the Navy, and for Half-Pay to Sea-Officers, and for Victual, Wages, Wear and Tear of the Navy, and for Sea-Services in the Office of the Ordnance, performed and to be performed.

LV. *Sect.* 27. 100,000*l.* for defraying the Charge of the Office of the Ordnance for Land-Services, and towards the extraordinary Stores ſent to *Gibraltar* and *Port-Mahon* upon Account.

LVI. *Sect.* 28. 1,341,730*l.* 7*s.* 8*d.* ½. for the Land-Forces, and other Services herein particularly expreſſed, *viz.* 885,494*l.* 9*s.* 4*d.* for defraying the Charge of 26,383 Men, including Commiſſion and Non-Commiſſion Officers, and Invalids for Guards, Garriſons, and Six Independent Companies for the Service of the *Highlands*, and other Land-Forces in *Great Britain*, *Jerſey* and *Guernſey*, and other Services relating to the Forces for the Year 1727; 157,637*l.* 16*s.* 5*d.* ½. for maintaining the Garriſons in the Plantations, *Minorca* and *Gibraltar*, and for Proviſions for the Garriſons of *Annapolis Royal*, *Placentia*, and *Gibraltar*, for the Year 1727. 4,847*l.* 2*s.* 6*d.* on Account for Out-Penſioners of *Chelſea Hoſpital*, for the Year 1727, and 13,750*l.* 19*s.* 5*d.* for defraying ſeveral extraordinary Expences and Services relating to the Forces, incurred and not provided for by Parliament; and 60,000*l.* on Account of Half-Pay to the reduced Officers of the Land-Forces and Marines, for the Year 1727; and 50,000*l.* to compleat the Sum of 125,000*l.* payable to the Landgrave of *Heſſe-Caſſel*, for raiſing, and maintaining a Body of 12,000 Men, for his Majeſty's Service, purſuant to the Treaty between his Majeſty and the ſaid Landgrave, dated the 12th Day of *March*, 1725; and 170,000*l.* upon Account for the Subſidy to the ſaid Landgrave, and the Pay of 12,000 of his Forces to be taken into his Majeſty's Service, and the Pay of a Lieutenant-General to command the ſaid 12,000 Men, and for Forrage Money, Waggon-Money, and other neceſſary Charges relating thereto, purſuant to the ſaid Treaty; and 160,306*l.* 17*s.* 4*d.* ¾. towards making good the Deficiency of the Grants for the Service of the Year 1726.

LVII. *Sect.* 29. Out of the ſaid Supplies there ſhall be iſſued and applied ſuch Sums, as ſhall be neceſſary for anſwering and defraying ſuch Expences and Engagements as have at any Time been, or ſhall, before the 25th of *December* 1727, be made by his Majeſty, in concerting ſuch Meaſures as he thinks will beſt conduce to the Security of the Trade and Navigation of this Kingdom, and to the preſerving and reſtoring the Peace of *Europe*.

LVIII.

LVIII. *Sect.* 30. The ſaid Supplies ſhall not be iſſued or applied to any Uſe whatſoever, other than the Uſes before-mentioned, or for the ſeveral Deficiencies before directed to be ſatisfied out of the ſaid Loans or Exchequer-Bills, by particular Clauſes for that Purpoſe contained in this Act, or in any other Act of this preſent Seſſion.

LIX. Sect. 31. *This Clauſe contains only the Rules to be obſerved in the Applications of the* 60,000 *l. by this Act appropriated on Account of Half-Pay, and are* verbatim *the ſame with thoſe in the Act* 11 G. 1. c. 8. *which ſee above,* Par. II.

LX. *Sect.* 32. So much of the Sum of 73,000 *l.* as by the Act of 12 *G.* 1. *c.* 12. was appropriated for Half-Pay, and as is, or ſhall be more than ſufficient to ſatisfy the reduced Officers, or any Part of ſuch Overplus, ſhall be diſpoſed of to ſuch Officers, who are maimed, or loſt their Limbs in the late Wars, or to ſuch others, as by Reaſon of their long Service, or otherwiſe, his Majeſty ſhall judge to be proper Objects of Charity, or to the Wives or Children of ſuch Officers, according to ſuch Warrants under his Majeſty's Royal Sign Manual, as ſhall be ſigned in that Behalf.

LXI. Sect. 33. *Like Clauſe for making forth Duplicates of Exchequer-Bills, Lottery-Tickets and Orders loſt, burnt, or otherwiſe deſtroyed, as in the Act* 11 G. 1. c. 8. *which ſee in Tit.* Exchequer-Bills, Par. I.

LXII. Stat. 13 G. 1. *c.* 21. *Sect.* 1. There ſhall be kept in the Office of the Auditor of the Receipt of the Exchequer, one Book or Regiſter, in which all the Orders for Money payable upon this Act, ſhall be enter'd and regiſter'd: And all Perſons, Natives or Foreigners, Bodies Politick or Corporate, may lend to his Majeſty, at the ſaid Receipt, upon the Credit of the Surplus Monies of the Duties on Coals and Culm, (granted by the Act 9 *A. c.* 22. continued by 5 *G.* 1. *c.* 9. and by 6 G. 1. *c.* 4. made perpetual, and reſerved for the Diſpoſition of Parliament) any Sums of Money not exceeding 370,000 *l.* and the Loans ſhall have Intereſt after the Rate of 4 *l. per Centum per Annum*, ſo as ſuch Loans be allowed by the Commiſſioners of the Treaſury, who are to iſſue their Warrants for that Purpoſe, as faſt as the Loans ſhall be wanted for the publick Service; the Intereſt to be paid every three Months till Satisfaction of the Principal; and the Monies ſo lent ſhall not be rated or aſſeſſed in any Tax or Aſſeſſment whatſoever: And every Lender ſhall have a Tally of Loan ſtruck for the Money by him lent, and an Order of the ſame Date for Re-payment thereof with Intereſt; and all ſuch Orders ſhall be regiſtred in Courſe according to the Dates; and all Perſons ſhall be paid in Courſe as their Orders ſtand regiſter'd, ſo as

the Perſons, their Executors, Adminiſtrators and Aſſigns, whoſe Orders ſhall be firſt regiſtred, ſhall be accounted the Perſons to be firſt paid, and ſo ſucceſſively in Courſe; and the Surplus Monies ſhall be in the ſame Order liable to the Satisfaction of the reſpective Perſons, their Executors, &c. ſucceſſively, without any undue Preference, and ſhall not be diverted to any other Uſe; and no Fee, Reward or Gratuity directly or indirectly ſhall be taken for making any ſuch Books or Regiſters, or for Entries, Views, or Searches, by any of his Majeſty's Officers, their Clerks, or Deputies, on Pain of Payment of treble Damages to the Party aggrieved by the Party offending, with full Coſts of Suit; and if the Officer himſelf take or demand any ſuch Fee or Reward, then to forfeit his Place alſo; and if any undue Preference be made in Point of Regiſtry or Payment, by any ſuch Officer, then the Party offending ſhall be liable, by Action of Debt or on the Caſe, to pay the Value of the Debt, with full Coſts of Suit, to the Party aggrieved, and ſhall be forejudged of his Office; and if ſuch undue Preference be made by his Clerk or Deputy, without Direction or Privity of his Maſter, then ſuch Clerk or Deputy only ſhall be liable to ſuch Action, Debt, Damages, and Coſts, and ſhall for ever be incapable of his Place, or Office; and if the Auditor of the Receipt ſhall not direct, or the Clerk of the Pells record, or the Tellers make Payment, according to each Perſon's due Place or Order, he ſhall be adjudged to forfeit, and the reſpective Deputies and Clerks therein offending, to be liable to ſuch Action, &c. as aforeſaid; which Penalties, Forfeitures, Damages and Coſts ſhall be recover'd by Action of Debt, &c. in any Court of Record at *Weſtminſter*, wherein no Eſſoign, &c. ſhall in any-wiſe be granted, or allowed.

LXIII. *Sect.* 2. If ſeveral Tallies of Loan, or Orders for Payment, bear Date, and be brought the ſame Day to the Auditor of the Receipt, to be regiſtred, it ſhall be no undue Preference which of them he enters firſt, ſo as he enters them all the ſame Day.

LXIV. *Sect.* 3. It ſhall not be any undue Preference to incur any Penalty in Point of Payment, if the Auditor direct, and the Clerk of the Pells record, and the Tellers pay ſubſequent Orders of Perſons that come and demand their Money, and bring their Orders in Courſe, ſo as there be ſo much Money reſerved as will ſatisfy precedent Orders, which ſhall not be otherwiſe diſpoſed, but kept for them; Intereſt upon Loans being to ceaſe from the Time the Money is kept in Bank for them.

LXV. *Sect.* 4. All Perſons to whom any Money ſhall be due for Loans, by Virtue of this Act, after the Orders are entred

entred in the Book of Regiſter, their Executors, Adminiſtrators and Aſſigns, by proper Words of Aſſignment to be indorſed on their Orders, may aſſign their Right, Title, Intereſt and Benefit of ſuch Orders, or any Part thereof, to any others; which being notified in the Auditor's Office, and an Entry or Memorial thereof alſo made in the Book of Regiſtry, (which the Officers ſhall upon Requeſt, without Fee or Charge accordingly make) ſhall intitle ſuch Aſſignees, their Executors, *&c.* to the Benefit thereof, and Payment thereupon; and ſuch Aſſignees may in like Manner aſſign again, and ſo *toties quoties*; and afterwards it ſhall not be in the Power of the Perſons, who have made ſuch Aſſignments, to make void or diſcharge the ſame.

LXVI. *Sect.* 5. If the Commiſſioners of the Treaſury ſhall judge it more adviſeable to raiſe the ſaid Sum of 870,600*l.* or any Part thereof, by Exchequer-Bills, inſtead of ſuch Loans, then they are hereby authorized, at once, or by ſuch Proportions at a Time, as they ſhall find to be moſt for the Advantage of the Publick, to prepare and make at the Exchequer, in ſuch Method as they ſhall think moſt ſafe and convenient, any Number of new Exchequer-Bills, containing one common Sum, or different Sums in the Principal Monies; ſo that in Caſe there ſhall be no Loans made, then all the Principal Sums to be contained in ſuch Bills, ſhall not exceed 370,000*l.* and if any Loans ſhall be made, then all the Principal Sums to be contained in the Bills, together with the Loans ſo made, ſhall not exceed 370,000*l.*

LXVII. *Sect.* 6. The Bills ſhall bear an Intereſt not exceeding Two Pence *per Centum per Diem*, and to be payable to the Bearers thereof reſpectively; but the Intereſt abated and ſaved on ſuch Bills, as ſhall be in the Receipt of the Exchequer, or in the Hands of any Receivers or Collectors of any Taxes, *&c.* payable to his Majeſty, during ſuch Times.

LXVIII. *Sect.* 7. The Bills ſhall be numbred Arithmetically, beginning with N° I. and ſo proceeding in an Arithmetical Progreſſion, and ſhall be regiſtred accordingly; ſo that the Principal Sum contained in every Bill (after Repayment of the Loans, with the Intereſt thereof, or reſerving Money ſufficient for that Purpoſe) may be regularly paid off in Courſe, according to the Number of every Bill as it ſhall ſtand in the Regiſter; and the Intereſt upon the Bills ſhall be payable every three Months, and upon every Bill there ſhall be indorſed or written, in Words at length or in Figures, the Sum, after which the Principal to be contained therein ſhall be payable in Courſe.

LXIX. *Sect.* 8. If the ſaid Sum of 370,000*l.* ſhall be raiſed partly in Loans, and partly in Exchequer-Bills, when they ſhall direct any ſuch Loans to be taken, or any ſuch

Exchequer-Bills to be made out, at the ſame Time, ſhall alſo direct how ſuch Loans or Exchequer-Bills ſhall ſtand upon the Regiſter, and after what Sum they ſhall begin to be payable in Courſe, ſo as no ſubſequent Loans or Exchequer-Bills be made to alter the Courſe at firſt appointed for Prior Loans or Exchequer-Bills.

LXX. *Sect.* 9. The Bills ſhall be made out with ſuch Checques, Indents, or Counterfoils as ſhall be directed by the Treaſury; and the Perſons, who ſhall be appointed to pay off the Bills in Courſe, ſhall have the Uſe and Cuſtody of one Part of all the Cheques, &c. to prevent their being impoſed on by counterfeit Bills; and the Contractors for circulating and exchanging the Bills ſhall have the Uſe and Cuſtody of one other Part of the ſaid Cheques, &c. to prevent likewiſe their being impoſed on by Forged Bills; and all the Parts of the ſaid Cheques, &c. ſhall be delivered back into the Exchequer, when the Bills ſhall be paid off, and cancelled.

LXXI. *Sect.* 10. The Treaſury ſhall cauſe the Bills that ſhall be prepared by Virtue of this Act, to be placed as ſo much Caſh in the Tellers Offices; each of whom ſhall be chargeable with the Proportion of the Bills which ſhall be ſo placed in his Office.

LXXII. *Sect.* 11. All theſe Bills ſhall be current in like Manner, and with ſuch Privileges and Advantages, and ſubject to ſuch Rules and Directions as are preſcribed by the Act of this Seſſion *For Granting an Aid to his Majeſty by a Land-Tax*, &c. concerning the Exchequer-Bills thereby authorized to be made forth; and all the Clauſes in the ſaid Act, relating to the Currency, Exchanging, or Receiving the laſt mentioned Exchequer-Bills, by any publick Receivers, or in the Receipt of the Exchequer, or for preventing the Forging or altering the ſame, or for making out new Bills in the Room of ſuch, as ſhall be filled up with Indorſements, defaced, loſt, &c. or for making out Exchequer-Bills of 5000 *l.* each, or for making forth Exchequer-Bills without bearing Intereſt, or for making them afterwards to bear an Intereſt, or a higher or lower Intereſt from Time to Time, or for preventing any Miſapplication of the Fund on which the ſame are charged, or any Misbehaviour of the Officers concerned in the receiving, iſſuing, exchanging, paying off, or cancelling the ſame laſt mentioned Exchequer-Bills, or for enabling the Treaſury to contract with Perſons for Payment of the Intereſt of, or exchanging for ready Money, on Demand, the Exchequer-Bills thereby authorized to be iſſued, at a Premium not exceeding 3 *l. per Cent. per Annum*, or for preventing any Diſabilities in ſuch Contractors, or for making them not liable to be Bankrupts, on Account of ſuch Contracts, or for appointing Paymaſters for paying

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off and cancelling the ſame Exchequer-Bills in Courſe and Order, ſhall be extended as well to the Exchequer-Bills by this Act authorized to be made forth, as to the Exchequer-Bills to be made forth in Purſuance of the ſaid Act for granting an Aid to his Majeſty by a Land-Tax, as fully and effectually to all Intents and Purpoſes, as if the ſame Clauſes or Proviſo's had been particularly repeated *verbatim* in this Act. *Vide* Tit. Exchequer-Bill, Par. XXXIV. & *ſeq.*

LXXIII. *Sect.* 12. All the Loans and Exchequer-Bills to be made in Purſuance of this Act, and the Principal, Intereſt, Premium, or Rate to grow due thereon, ſhall be charged on the Surplus Monies, ariſen or to ariſe from and after *Michaelmas*, 1726, by the ſaid Duties on Coals and Culm, (over and above ſo much as ſhall be ſufficient to diſcharge the Annual or other Charges thereon) and the ſame ſhall be iſſued for paying off the Principal and Intereſt to grow due on ſuch Orders of Loan, or for taking in, circulating, diſcharging or cancelling ſuch Exchequer-Bills, or any Intereſt or Premium for the ſame, or any Charges or Expences in or about the ſame, as the Treaſury ſhall direct or appoint.

LXXIV. *Sect.* 13. During the Continuance of the ſaid Loans or Exchequer-Bills, the Treaſury ſhall, on *Michaelmas* Day yearly, or within ten Days after, cauſe a true and perfect Account in Writing to be taken and atteſted by the proper Officers, of all the Monies which ſhall in the preceding Year have ariſen into the Exchequer, as Surplus of the ſaid Duties (over and above the Annual and other Charges thereon,) and how much of ſuch Surplus Money hath been applied, or will be neceſſary to be applied, towards the Intereſt, Premium, or Rate on the ſaid Loans or Exchequer-Bills, or other neceſſary Charges about circulating, *&c.* the ſaid Bills; and if there ſhall remain in the Exchequer more Monies, ariſen by the ſaid Surpluſſes, than will ſatisfy ſuch Intereſt, *&c.* the ſame is hereby appropriated, and ſhall be applied, towards paying off the Principal Sums contained in ſuch Orders of Loan or Exchequer-Bills, and cancelling them in ſuch Order and Courſe as they ſhall ſtand upon the Regiſter herein before directed to be kept.

LXXV. *Sect.* 14. If it ſhall appear that on any ſuch Feaſt-Day the Monies ariſen as Surpluſſes of the Duties on Coals and Culm in the preceding Year, ſhall be ſo deficient, as not to be ſufficient to diſcharge the ſaid Intereſt, Premium, or Charges to that Time, ſuch Deficiency ſhall be made good out of the firſt Supplies to be granted in Parliament next after ſuch Deficiency ſhall appear; and if no ſuch Supplies be granted within ſix Months next after, then the ſame ſhall be made good out of any Monies that ſhall remain

remain in the Exchequer, of the Overplus Monies of the Sinking Fund (except ſuch Monies of that Fund, as are appropriated to any particular Uſe by any former Act of Parliament); and ſuch Monies of the Sinking Fund, ſhall be iſſued and applied accordingly.

LXXVI. *Sect.* 15. Whatever Monies ſhall be ſo iſſued out of the Sinking Fund, ſhall be replaced out of the future Surpluſſes to ariſe by the Duties on Coals and Culm, or out of the firſt Supplies to be then next after granted in Parliament.

LXXVII. *Sect.* 16. If the whole Sum of 370,000 *l.* ſhall not have been raiſed by ſuch Loans or Exchequer-Bills before *Michaelmas-Day*, 1727, then the Surplus Monies by the ſaid Duties on Coals and Culm, which ſhall be in the Exchequer on that Feaſt-Day, or ſo much thereof as ſhall be wanting to compleat the ſaid Sum of 370,000 *l.* ſhall be iſſued and applied as Part of the ſaid 370,000 *l.* and towards compleating the ſame; and in ſuch Caſe, ſo much leſs than 370,000 *l.* ſhall be raiſed by ſuch Loans or Exchequer-Bills, as the Monies ſo iſſued out of the laſt mentioned Surpluſſes ſhall amount unto.

LXXVIII. *Sect.* 17. After the Paying off, cancelling, and diſcharging all the ſaid Loans, Exchequer-Bills, Intereſt, Premium, or Rate, and Charges ſubject thereto, all the Surplus Monies to ariſe by the Duties on Coals and Culm, to be computed quarterly, as by the ſaid Act of 5 *G.* 1. *c.* 9. is directed, ſhall be kept apart, and reſerved for the Diſpoſition of the Parliament, and ſhall not be applied to any other Purpoſe; but according to ſuch future Acts as ſhall be made for the Diſpoſition thereof.

LXXIX. *Sect.* 18. Nothing in this Act ſhall extend to alter, defeat, weaken, or impeach in any Manner the Proviſions made by the ſaid Acts of 5 *G.* 1. *c.* 9. and 6 *G.* 1. *c.* 4. for the Payment of the Fund of 21,000 *l. per Ann.* or any the Principal Sums to be raiſed thereby, or the Intereſt thereof, or the Annuity of 17,384 *l.* 4 *s.* payable to the *South-Sea* Company, in reſpect of the Sum of 434,605 *l.* ſubſcribed into their Capital Stock, or the additional Allowance for Charges of Management, or any other Right or Intereſt which the *South-Sea* Company, or any Perſons claiming under them, have out of the Monies ariſing by the ſaid Duties, by Virtue of the Act 6 *G.* 1. *c.* 4. but the ſame ſhall for ever remain in as full Force, to all Intents and Purpoſes, as if this Act had not been made.

LXXX. *Sect.* 19. After Payment and Diſcharge, as well of all the Loans and Exchequer-Bills to be created by this Act; with all the Intereſt, Premium, Rate, and Charges thereon; as of all former or other Sums of Money charged

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on the Duties on Coals and Culm, then the ſame Duties ſhall be underſtood to be redeemed by Parliament, and ſhall not be iſſued or applied to any Uſe whatſoever, but by Authority of Parliament.

LXXXI. *Sect.* 20. The ſaid Sum of 370,000 *l.* ſhall be appropriated towards the ſame Uſes, that the Money already granted in this Seſſion of Parliament, for the Service of the Year 1727, are appropriated and directed to be iſſued by an Act of this preſent Seſſions, *For continuing the Duties on Malt*, &c. and to no other Uſe whatſoever.

LXXXII. Stat. 1 G. 11. c. 1. Seſſ. 1. *An Act for the better Support of his Majeſty's Houſhold, and of the Honour and Dignity of the Crown of* Great Britain. *See* Tit. Crown, Par. I.

LXXXIII. Stat. 1 G. 2. Seſſ. 2. c. 1. *An Act for continuing the Duties on Malt, Mum, Cyder, and Perry, in that Part of* Great Britain *called* England; *and for granting to his Majeſty certain Duties on Malt*, &c. *in that Part of* Great Britain *called* Scotland, *for the Service of the Year* 1728, *and for making good the Deficiency of a late Malt Act.* See Excise, Par. XLVI. Scotland, Par. XX.

LXXXIV. *Sect.* 46. All the Monies of the Sinking Fund (except ſuch as are ſpecially charged) ſhall be reſerved for diſcharging ſuch National Debts incurred before the 25th of *December*, 1716, as may be redeemed, and are provided for by Act of Parliament, in ſuch Manner as ſhall be appointed by any future Acts, and to no other Uſe.

LXXXV. *Sect.* 47. If the Monies ariſen, or to ariſe in the Exchequer, on Account of the Duties on Malt, continued by the Act 12 *G.* 1. *c.* 4. ſhall not be ſufficient to diſcharge the Whole of the Exchequer-Bills made forth in Purſuance of that Act, together with the Intereſt, &c. the Deficiency ſhall be made good out of the Loans or Exchequer-Bills on this Act, or other Monies appropriated for the Service of the Year 1728, and the ſame ſhall be applied accordingly.

LXXXVI. *Sect.* 48. All the Monies, which after the Twenty-fifth of *March*, 1728, ſhall come into the Exchequer for Arrears on the ſaid Duties on Malt, Mum, &c. granted for the Service of the Year 1726, ſhall be applied in Aid of the Subſidies granted to his Majeſty for the Year 1728.

LXXXVII. Stat. 1 G. 2. Seſſ. 2. c. 5. *An Act for granting an Aid to his Majeſty by a Land-Tax, to be raiſed in* Great Britain *for the Service of the Year* 1728.

By this Act, the Sum of 1,528,836 l. 7 s. 2 d. ¼. *was enacted to be raiſed in* Great Britain *in one Year, from the* 25th *of* March, 1728; *and the Sum of* 1,492,870 l. 16 s. 3 d. ¼. *Part thereof was to be raiſed in* England, Wales, *and* Berwick, *at* 3 s. *in the Pound on Perſonal Eſtates; and* 3 s. *in the Pound on Lands, in the ſeveral Counties of* England, &c. *according to the Proportions ſet down in the Act: And the Sum of* 35,965 l. 10 s. 10 d. ½. *to be raiſed in* Scotland *by an Eight Months Ceſs of* 4,495 l. 13 s. 10 d. *Five Sixteenth Parts of a Penny, of lawful Money of* Great Britain, *for every Month, out of the Land-Rent of* Scotland, *according to the monthly Proportions within the reſpective Shires, Stewartries,* &c. *in the Act expreſſed. In this Act there is a Clauſe of Loan for any Sum, not exceeding* 1,500,000 l. *with Intereſt at* 3 l. per Cent. *and the Money lent to be Tax-free; and towards the End of the Act are the following Clauſes.*

LXXXVIII. *Sect.* 125. The Sum of 15,757 *l.* 15 *s.* remaining in the Exchequer, for Arrears of ſeveral Land-Taxes, payable in or before the Year 1725, ſhall be applied as Part of his Majeſty's Supply granted for the Year 1728.

LXXXIX. *Sect.* 126. If the Monies to ariſe into the Exchequer on Account of the Land-Tax Act 12 G. 1. for the Service of the Year 1726, ſhall not be ſufficient to diſcharge the Principal and Intereſt due on the Orders for Loans, or the Exchequer-Bills made forth in Purſuance of the ſaid Act, then ſo much as ſhall be deficient for anſwering thoſe Purpoſes, ſhall be made good out of the Monies ariſing into the Exchequer by the Loans or Exchequer-Bills on this Act, or any other Monies appropriated for the Year 1728, and the Commiſſioners of the Treaſury ſhall apply the ſame accordingly.

XC. *Sect.* 138. The Monies to ariſe at the Exchequer for the Taxes by this Act granted, ſhall, as the ſame ſhall ariſe, be applied for paying off the Orders of Loan lent on this Act, and the Intereſt thereof, or be iſſued to the Paymaſter for diſcharging the Exchequer-Bills to be made forth in Purſuance of this Act; and for the Charge of circulating the ſame, and towards ſuch other Payments as are by this Act directed.

XCI. *Sect.* 139. On the Twenty-ninth of *September*, 1729, or within Ten Days after, the Treaſury ſhall cauſe a perfect Account to be taken, and atteſted by the proper Officers, of all the Monies raiſed by Loans and Exchequer-Bills, or by any or either of theſe Ways, towards the 1,500,000 *l.* by this Act intended to be raiſed, and how much thereof ſhall have been diſcharged, and how much ſhall remain undiſcharged on the ſaid Orders of Loans or Exchequer-

Bills, or either of them; which Account ſhall be publickly affixed in the Auditor's Office.

XCII. *Sect.* 140. The Monies unſatisfied ſhall be paid out of the next Aids to be granted after the Twenty-ninth of *September*, 1729; and if no Aids ſhall be granted before the Twenty-fifth of *March*, 1728, then the unſatisfied Monies ſhall be charged on the Sinking Fund 'till all be cleared off; and if, before or after any Money of the ſaid Aids ſhall be brought into the Exchequer, there ſhall be a Want of Money for paying Intereſt on the ſaid Bills, or for Premiums for Contracts, it ſhall be ſupplied out of the Sinking Fund.

XCIII. *Sect.* 141. Whatever Monies ſhall be iſſued out of the Sinking Fund, ſhall be re-placed out of the firſt Supplies to be then next after granted in Parliament.

XCIV. Stat. 1 G. 2. Seſſ. 2. c. 8. *An Act for raiſing the Sum of* 1,250,000 l. *by Sale of Annuities to the Bank of* England, *after the Rate of* 4 l. per Cent. per Ann. *redeemable by Parliament*, &c. See Annuities.

XCV. Stat. 1 G. 2. *Seſſ.* 2. *c.* 9. *Sect* 1. It ſhall be lawful for his Majeſty, by Warrant under his Royal Sign Manual, to impower the Commiſſioners of the Treaſury, or any Three or more of them, at any Time before the Twenty-fifth of *December*, 1728, to cauſe any Loans to be taken at the Exchequer, from any Perſons, Natives or Foreigners, or any Number of Exchequer-Bills to be made out there, for any Sums not exceeding in Loans and Exchequer-Bills together, 500,000 *l.* in the ſame Manner, and according to the ſame Rules and Directions, as by the Act of this Seſſion, *For continuing the Duties on Malt*, &c. *for the Year* 1728, are enacted and preſcribed concerning the Loans or Exchequer-Bills, to be made in Purſuance of the ſame Act.

XCVI. *Sect.* 2. All the Clauſes, Powers, Proviſoes, Privileges, Advantages, Penalties, Forfeitures, and Diſabilities contained in the ſaid Malt-Act, relating to the Loans or Exchequer-Bills authorized to be made by the ſame Act, (except ſuch Clauſes as charge the ſame on the Duties granted or continued by that Act) ſhall be extended to the Loans and Exchequer-Bills to be made in Purſuance of this Act, as fully to all Intents and Purpoſes, as if the ſame Loans or Exchequer-Bills had been originally authorized by the ſaid Act.

XCVII. *Sect.* 3. Such Loans as ſhall be taken in Purſuance of this Act, may carry an Intereſt not exceeding 4 *l. per Cent. per Ann.*

XCVIII. *Sect.* 4. Theſe Loans and Bills ſhall be re-paid out of the firſt Aids which ſhall be granted in Parliament after the Twenty-ninth of *September*, 1728, and if ſufficient Aids ſhall not be granted before the Twenty-fourth of *June*, 1729, then the ſaid Loans or Exchequer-Bills, with the Intereſt, Premium, and Charges incident to, and attending the ſame, ſhall be charged upon the Sinking Fund.

XCIX. *Sect.* 5. Whatever Monies ſhall be ſo iſſued out of the Sinking Fund, ſhall be re-placed out of the firſt Supplies to be then after granted in Parliament. *See the two following Clauſes of this Act*, Tit. Seamen, Par. I.

C. *Sect.* 8. The Monies granted this Seſſion, ſhall be appropriated as follows, *viz.* 1,485,561 *l.* 14 *s.* 9 *d.* for the Naval Services hereafter expreſſed, that is to ſay, 500,000 *l.* Part thereof, towards paying off Seamens Wages, and the Reſidue thereof for defraying the Charge of the Ordinary of the Navy, and for Half-pay to Sea Officers, and for Victuals, Wages, Wear and Tear of the Navy, and for Sea-Services in the Office of Ordnance, and other Services of the Navy.

CI. *Sect.* 9. 10,000 *l.* for *Greenwich Hoſpital* for the better Maintenance of the Seamen in the ſaid Hoſpital, and to defray the Expence of an additional Number of 220 diſabled Seamen, and other Expences of the ſaid Hoſpital, for the Year 1728.

CII. *Sect.* 10. 197,704 *l.* 3 *s.* 6 *d.* ¾. for defraying the Charge of the Office of Ordnance for Land Services, and for the extraordinary Expence of Ordnance Stores ſent to *Gibraltar* and *Port Mahon*, and additional Arms delivered to the Forces in the Year 1727.

CIII. *Sect.* 11. 1,370,183 *l.* 17 *s.* 2 *d.* ¾. for the Land-Forces, and other Services, *viz.* 786,974 *l.* 2 *s.* 9 *d.* for the Charge of 22,955 Men, including Commiſſion and Non-commiſſion Officers and Invalids, for Guards, Garriſons, and ſix Independent Companies for the Service of the *Highlands*, and other his Majeſty's Land-Forces in *Great Britain*, *Guernſey* and *Jerſey*, and other Services relating to the Forces, for the Year 1728; 158,009 *l.* 10 *s.* 11 *d.* for maintaining his Majeſty's Forces and Garriſons in the Plantations, *Minorca*, and *Gibraltar*, and for Proviſions for the Garriſons at *Annapolis Royal*, *Placentia*, and *Gibraltar*, for the Year 1728; 10,847 *l.* 15 *s.* on Account of Out-Penſioners of *Chelſea Hoſpital*, for the Year 1728. 50,428 *l.* 16 *s.* 10 *d.* ¾. for defraying ſeveral extraordinary Expences incurred, and not provided for by Parliament, relating to the extraordinary Proviſions for *Gibraltar*, and for the Hoſpital, and other Services at *Gibraltar*; and for Tranſportation of Forces between the *Britiſh* and *Iriſh* Eſtabliſhments, for ſeveral *Iriſh* Regiments ſerving at *Gibraltar*,

and for making Roads, and other Services in *North Britain*; 58,000 *l.* on Account of Half-pay to the reduced Officers of his Majeſty's Land-Forces and Marines, for the Year 1728, but ſubject to ſuch Rules to be obſerved in the Application of Half-pay, as are herein after preſcribed. 230,923 *l.* 11 *s.* 8 *d.* for defraying the Expence of 12,000 *Heſſians* taken into his Majeſty's Service, for the Service of the Year 1728; 50,000 *l.* for one Year's Subſidy to the King of *Sweden*, purſuant to a Treaty dated the Fourteenth of *March*, 1726; and 25,000 *l.* for one Year's Subſidy to the Duke of *Brunſwick Lunenbourg Wolfenbuttle*, purſuant to a Treaty dated the Twenty-fifth of *November*, 1727.

CIV. *Sect.* 12. 279,360 *l.* 1 *s.* 1 *d.* ½. for making good the Deficiency of the Grants for the Service of the Year, 1727; and 33,611 *l.* 5 *s.* 6 *d.* ½. to make good the Deficiency of the General Fund, for the Year ended at *Michaelmas*, 1727; and 90,000 *l.* to ſatisfy the Principal Sums due on the Regiſter for Loans at the Exchequer, in Purſuance of the Act 5 G. 1. c. 9. *For continuing certain Duties on Coals and Culm*, &c. and 103,146 *l.* to diſcharge ſo much of the Sum of 360,000 *l.* granted by the ſaid Act 5 *G.* 1. *c.* 9. as has not been raiſed by Loans, or otherwiſe, in Purſuance of the ſame Act; and 434,605 *l.* to reduce the Annuity of 17,384 *l.* 4 *s.* payable to the *South-Sea* Company, in Reſpect of the like Sum ſubſcribed into their Stock, Part of the Principal Sum of 500,000 *l.* payable on the Benefit Tickets in the Lottery eſtabliſhed by the ſaid Act 5 *G.* 1. *c.* 9. and charged on the Duties on Coals and Culm; and 338,800 *l.* to diſcharge and cancel the Exchequer-Bills made forth in Purſuance of the Act 13 *G.* 1. *c.* 21.

CV. *Sect.* 13. 60,000 *l.* to perfect and fulfil the Obligation his Majeſty is under, on Account of Engagements enter'd into and concerted, for ſecuring the Trade and Navigation of this Kingdom, and for reſtoring and preſerving the Peace of *Europe*.

CVI. Sect. 14. *This Clauſe contains the Rules to be obſerved in the Application of the Money granted for Half-pay; which Rules are exactly the ſame as thoſe above*, Par. XI.

CVII. *Sect.* 15. So much of the Sum of 60,000 *l.* granted by the Act 13 *G.* 1. *c.* 7. for Half-pay for the Year 1727, as ſhall be more than ſufficient to ſatisfy the reduced Officers, ſhall be diſpoſed of to ſuch Officers who are maimed, or loſt their Limbs in the late Wars; or to ſuch others, as by Reaſon of their long Service, or otherwiſe, his Majeſty ſhall judge to be proper Objects of Charity; or to the Widows or Children of ſuch Officers, according to ſuch Warrants under his Royal Sign Manual, as ſhall be ſigned in that Behalf.

CVIII. Stat. 2 G. 2. c. 1. *An Act for continuing the Duties on Malt, &c. for the Service of the Year* 1729. See Excise.

CIX. *Sect.* 48. If the Monies ariſen, or to ariſe into the Exchequer, on Account of the Duties on Malt 13 G. 1. c. 7. ſhall not, on the Twenty-fifth of *March*, 1729, be ſufficient to diſcharge the Whole of the Exchequer-Bills made forth in Purſuance of that Act, the Deficiency ſhall be made good out of the Loans or Exchequer-Bills on this Act, or other Monies appropriated for the Year 1729, and the ſame ſhall be applied accordingly.

CX. *Sect.* 49. All the Monies which after the 25th of *March*, 1729, ſhall come into the Exchequer for Arrears on the ſaid Malt-Duties, ſhall be applied in Aid of the Supplies for the Year 1729.

CXI. Stat. 2 G. 2. c. 3. *An Act for raiſing the Sum of* 1,250,000 *l. by Sale of Annuities to the Bank of* England, *after the Rate of* 4 l. per Cent. per Annum, *redeemable by Parliament; and for applying the Produce of the* Sinking Fund. See Annuities, Par. XXXIX.

CXII. Stat. 2 G. 2. c. 4. *An Act for granting an Aid to his Majeſty by a Land-Tax to be raiſed in* Great Britain *for the Service of the Year* 1729.

By this Act the Sum of 1,528,783 *l.* 12 *s.* 8 *d.* ¾. *was to be raiſed in the Kingdom of* Great Britain, *whereof the Sum of* 1,492,818 *l.* 1 *s.* 9 *d.* ¾. *was to be raiſed in* England, &c. *within the Space of one Year from the* 25th *of* March 1729, *and to be aſſeſſed on the ſeveral Counties,* &c. *of* England, &c. *according to the Proportions ſet down in the Act; and alſo by a Rate of* 3 *s. in the Pound on Perſonal Eſtates,* &c. *And the Sum of* 30,965 l. 10 s. 10 d. ½. *to be raiſed by an eight Months Ceſs of* 4,495 l. 13 s. 10 d. *and five ſixteenth Parts of a Peny, of lawful Money of* Great Britain, *for every Month; the ſaid Ceſs to be raiſed out of the Land Rent of* Scotland, *according to the monthly Proportions within the reſpective Shires,* &c. *ſet down in the Act. In this Act there is a Clauſe of Loan for any Sum not exceeding* 1,500,000 *l. with Intereſt after the Rate of* 3 l. per Cent. per Ann. *and the Money lent to be free of all Taxes.*

CXIII. *Sect.* 141. The Sum of 11,694 *l.* 17 *s.* 8 *d.* ½. remaining in the Exchequer, for the Arrears of ſeveral Land-Taxes, payable in the Year 1726, or before, ſhall be iſſued and applied as Part of his Majeſty's Supply granted for the Service of the Year 1729.

CXIV. *Sect.* 142. If the Monies ariſen or to ariſe into the Exchequer, on Account of the Land-Tax Act 13 G. 1. *c.* 1. by the 29th of *September* 1729, ſhall not be ſufficient to diſcharge the whole Principal and Intereſt on the Orders for Loans, and the Exchequer-Bills made in Purſuance of that Act; then the Deficiency ſhall be made good out of the Monies ariſing from the Loans or Exchequer-Bills on this Act; or any other Monies or Loans that ſhall be appropriated for the Service of the Year 1729; and the Treaſury ſhall direct and apply the ſame accordingly.

CXV. Stat. 2 G. 2. c. 6. *An Act for making good the Loſs occaſioned by a Sum of Money being ſtolen out of his Majeſty's Exchequer in the Year* 1724. See Exchequer, &c. *Par.* LXX.

CXVI. Stat. 2 G. 2. c. 17. *An Act for laying a Duty upon Compound Waters, or Spirits, and for Licenſing the Retailers thereof.* See Excise.

CXVII. Stat. 2 G. 2. *c.* 18. *Sect.* 6. All the Monies coming into the Exchequer upon the Malt and Land Tax Acts of this Seſſion, and the 1,250,000 *l.* to be advanced by the Bank of *England* for the Purchaſe of an Annuity of 50,000 *l.* *per Annum*, in Purſuance of another Act of this Seſſion, and the Sum of 11,694 *l.* 17 *s.* 8 *d.* ½. remaining in the Exchequer on Arrears of former Land-Taxes, ſhall be appropriated as follows, *viz.* Out of the ſaid Aids and Supplies there ſhall be iſſued any Sum not exceeding 986,025 *l.* 10 *s.* 5 *d.* for the Naval Services, that is to ſay, for defraying the Charge of the Ordinary of the Navy, and for Half-Pay to Sea-Officers, and for Victuals, Wages, Wear and Tear of the Navy, and the Victualling thereof, and for Sea Services in the Office of Ordnance, and for other Services of the Navy.

CXVIII. *Sect.* 7. 10,000 *l.* for the Support of *Greenwich Hoſpital*, and for the better Maintenance of the Seamen in that Hoſpital, worn out and become decrepit in the Service of their Country.

CXIX. *Sect.* 8. 90,249 *l.* 3 *s.* 6 *d.* for defraying the Charge of the Office of Ordnance for Land-Service, and for the extraordinary Expence of that Office, not provided for by Parliament.

CXX. *Sect.* 9. One Million, 352,138 *l.* 19 *s.* 6 *d.* ½. for maintaining his Majeſty's Land-Forces, and other Services herein after more particularly expreſſed, *viz.* 784,983 *l.* 12 *s.* 1 *d.* ½. for defraying the Charge of 22,955 Men, including Commiſſion and Non-Commiſſion Officers, and Invalids, for Guards, Garriſons, and ſix Independent Companies for the Service

Service of the *Highlands*, and other Land-Forces in *Great Britain*, *Guernſey* and *Jerſey*, and other Services relating to the Forces for the Year 1729: 160,357*l.* 1*s.* 5*d.* ½. for maintaining the Forces and Garriſons in the Plantations, *Minorca*, and *Gibraltar*, and for Proviſions for the Garriſons at *Annapolis Royal*, *Placentia*, and *Gibraltar*, for the Year 1729; 12,800*l.* on Account of Out-Penſioners of *Chelſea Hoſpital*, for the Year 1729; 20,739*l.* 4*s.* 7*d.* ½. for defraying ſeveral extraordinary Expences incurred, and not provided for by Parliament; 57,000*l.* for Half-Pay to the reduced Officers of the Land-Forces and Marines, for the Year 1729; but ſubject to ſuch Rules in the Application thereof, as are hereinafter preſcribed. 241,259*l.* 1*s.* 3*d.* for defraying the Expence of 12,000 *Heſſians* taken into his Majeſty's Pay for the Service of the Year 1729. 50,000*l.* for one Year's Subſidy to the King of *Sweden*, purſuant to a Treaty dated the 14th of *March*, 1726; and 25,000*l.* for one Year's Subſidy to the Duke of *Brunſwick-Lunenburgh Wolfenbuttel*, purſuant to a Treaty dated the 25th of *November*, 1727.

CXXI. *Sect.* 10. 500,000*l.* towards cancelling the like Sum in Exchequer-Bills, made forth in Purſuance of an Act paſs'd in the laſt Seſſion of Parliament, For granting an Aid to his Majeſty of 500,000*l.* towards diſcharging Wages due to Seamen.

CXXII. *Sect.* 11. 103,189*l.* 11*s.* 7*d.* ¼. towards making Good the Deficiency of the Grants for the Year 1728, and 63,902*l.* 15*s.* 2*d.* ½. to make good the Deficiency of the *General Fund*, for the Year ended at *Michaelmas*, 1728.

CXXIII. *Sect.* 12. 115,000*l.* on Account of the Arrears of the ſeveral Duties and Revenues granted to his Majeſty for the Civil Liſt.

CXXIV. *Sect.* 13. If there ſhall be ſtanding out, at the Demiſe of his Majeſty, any Sums of Money on Account of the Civil Liſt Revenues, which, with what has been, or ſhall be received out of the ſame during his Majeſty's Life, and together with the ſaid Sum of 115,000*l.* ſhall be more than ſufficient to compleat to his Majeſty, during his Life, the yearly Sum of 800,000*l.* in clear Money, to be computed from the 25th of *June*, 1727, then the ſaid Sum of 115,000*l.* ſhall be refunded out of ſuch Sums ſo ſtanding out, or in Arrear, as ſhall be more than ſufficient to compleat the ſaid yearly Sum of 800,000*l.* or ſo much thereof, as the Monies ariſing thereby ſhall extend to ſatisfy the ſame; and the Monies ſo to be refunded, ſhall be kept apart in the Exchequer, for the Benefit of the Publick, and ſhall not be applied to any other Uſes, than ſuch as ſhall be directed by Authority of Parliament.

CXXV. *Sect.* 14. The ſaid Supplies ſhall not be iſſued or applied to any other Uſes than the Uſes before-mentioned, or for the ſeveral Deficiencies, or other Pay directed to be ſatisfied thereout, by any particular Clauſes for that Purpoſe, contained in any other Acts of this preſent Seſſion.

CXXVI. Sect. 15. *This Clauſe contains only the Rules to be obſerved in the Application of the* 57,000 l. *hereby appropriated for Half Pay; which Rules are* verbatim *the ſame, as thoſe above*, Par. XI.

CXXVII. Sect. 16. *This Clauſe impowers his Majeſty to diſpoſe of the Overplus of the* 58,000 l. *appropriated for Half-Pay to the reduced Officers for the Year* 1728, *in like Manner as above*, Par. CVI.

CXXVIII. Stat. 3 G. 2. c. 1. An Act for granting an Aid to his Majeſty by a Land-Tax to be raiſed in *Great Britain* for the Service of the Year 1730.

By this Act the Sum of 1,019,111 *l.* 1 *s.* 1 *d.* ½. *was to be raiſed in* Great Britain; *whereof the Sum of* 995,134 l. 6 d. ½. *Part of the ſaid Sum was to be raiſed in one Year from the* 25th *of* March, 1730, *in the ſeveral Counties of* England, &c. *according to the Proportions ſet down in the Act; and by a Tax of* 2 s. *in the Pound on Perſonal Eſtates: And the Sum of* 23,977 l. 7 d. *to be raiſed in* Scotland *by an Eight Months Ceſs, of* 2,997 l. 2 s. 6 d. *and ſeven Eighth Parts of a Peny, of lawful Money of* Great Britain, *for every Month; the ſaid Ceſs to be raiſed out of the Land-Rent of* Scotland, *according to the Monthly Proportions within the reſpective Shires, Stewartries,* &c. *expreſſed in the Act. And in this Act is a Clauſe of Loan for any Sum not exceeding One Million, with Intereſt at* 3 l. per Cent. per Annum; *and the Money lent to be Tax-free: And towards the End of the Act are the following Clauſes.*

CXXIX. *Sect.* 168. All the Monies of the Sinking Fund, (except ſuch as are ſpecially charged) ſhall be reſerved for diſcharging ſuch National Debts as were incurred before the 25th of *December*, 1716, as may be redeemed, and are provided for by Act of Parliament, in ſuch Manner as ſhall be directed by any future Act; and to no other Uſe.

CXXX. *Sect.* 169. If the Monies to ariſe into the Exchequer on Account of the Land-Tax Aid granted for the Year 1728, ſhall not be ſufficient to diſcharge the whole Principal and Intereſt for the ſeveral Orders for Loans or Exchequer-Bills made in Purſuance of that Act, before the 29th of *September* 1730, the Deficiency ſhall be made good out of the Loans or Exchequer-Bills on this Act; or other Monies appropriated for the Year 1730, and the ſame ſhall be applied accordingly.

CXXXI.

CXXXI. *Sect.* 170. The County of *Eſſex* being over-rated the Sum of 21 *l.* 7 *s.* 6 *d.* by the Land-Tax Act of the Year 1728, as well the ſaid County as the acting Commiſſioners therein, ſhall be exonerated and diſcharged againſt the Payment of the ſaid Sum, and no Proſecution ſhall be commenced againſt the ſaid Commiſſioners.

CXXXII. **Stat.** 3 G. 2. c. 7. *By this Act the Duties on Malt*, &c. *are continued from* 23 June 1730, *to* 24 June 1731.

CXXXIII. *Sect.* 32. If the Monies to ariſe into the Exchequer on Account of the Duties on Malt, &c. by 1 G. 2. c. 1. before the 25th of *April*, 1730, ſhall not be ſufficient to diſcharge the whole of the Exchequer-Bills made forth in Purſuance of that Act, the Deficiency ſhall be ſupplied out of the Monies ariſing by this Act, or other Monies appropriated for the Service of the preſent Year, 1730.

CXXXIV. *Sect.* 33. All the Monies, which after the ſaid 25th of *April*, 1730, ſhall be paid into the Exchequer for Arrears on the Duties on Malt, &c. granted for the Service of the Year 1728, ſhall be applied in Aid of the Supplies granted for the Year 1730.

CXXXV. **Stat.** 3 G. 2. c. 16. *An Act for raiſing* 250,000 *l.* *by Exchequer-Bills, towards the Supply granted to his Majeſty; and for the farther Application of the Produce of the Sinking Fund*, &c. *See* **Exchequer-Bills**, Par. LXXII. **South-Sea Company**, Par. XXIX.

CXXXVI *Sect.* 10. The Sum of 11,655 *l.* 11 *s.* 9 *d.* ½. remaining in the Exchequer for Arrears of ſeveral Land-Taxes, payable in the Year 1727, or before, ſhall be iſſued and applied as Part of his Majeſty's Supply for the Service of the Year 1730.

CXXXVII. *Sect.* 11. All the Monies granted this Seſſion ſhall be appropriated as follows, *viz.* Any Sum not exceeding 850,786 *l.* 16 *s.* 5 *d.* towards defraying the Charge of the Ordinary of his Majeſty's Navy, and for Half-Pay to Sea Officers, and for Victual, Wages, Wear and Tear of the Navy, and the Victualling thereof, and for extraordinary Repairs of the Navy, and for other Sea-Services of the Navy, performed and to be performed.

CXXXVIII. *Sect.* 12. 10,000 *l.* upon Account, towards the Support of the Royal Hoſpital at *Greenwich*, for the better Maintenance of the Seamen there, worn out and become decrepit in the Service of their Country.

CXXXIX. *Sect.* 13. 94,400 *l.* 9 *s.* 3 *d.* towards defraying the Charge of the Office of the Ordnance for Land-Service, and extraordinary Expences of that Office not provided for by Parliament.

CXL. *Sect.* 14. 1,194,212*l.* 15*s.* 2*d.* ¾. for maintaining his Majeſty's Land-Forces, and other Services herein after more particularly expreſs'd, *viz.* 651,484*l.* 17*s.* 1*d.* ½. for defraying the Charge of 17,709 Men, including Commiſſion and Non-Commiſſion Officers, and Invalids, for Guards, Garriſons, and Six Independent Companies for the *Highlands*, and other Forces in *Great Britain*, *Guernſey* and *Jerſey*, and other Services, relating to the Forces for the Year 1730. 160,235*l.* 8*s.* 1*d.* ½. for maintaining the Forces and Garriſons in the Plantations, *Minorca*, and *Gibraltar*, and for Proviſions for the Garriſons at *Annapolis Royal*, *Placentia* and *Gibraltar*, for the Year 1730. 23,452*l.* 16*s.* 3*d.* on Account of Out-Penſioners of *Chelſea-Hoſpital*, for the ſame Year; 28,780*l.* 12*s.* 5*d.* ¾. for defraying ſeveral extraordinary Expences and Services incurred, and not provided for by Parliament: 64,000*l.* on Account of Half-Pay to the reduced Officers of the Land-Forces and Marines for the Year 1730, ſubject nevertheleſs to ſuch Rules to be obſerved in the Application thereof, as are herein after preſcribed concerning the ſame: 241,259*l.* 1*s.* 3*d.* for defraying the Expence of 12,000 *Heſſians*, taken into his Majeſty's Pay for the Service of the Year 1730; and 25,000*l.* for one Year's Subſidy to the Duke of *Brunſwick-Lunenbourg Wolfenbuttel*, purſuant to a Treaty dated the 25th of *November* 1727.

CXLI. *Sect.* 15. 115,446*l.* 3*d.* towards making good the Deficiency of the Grants for the Year 1729; 63,344*l.* 16*s.* 5*d.* ¼. to make good the Deficiency of the *General Fund*, for the Year ended at *Michaelmas* 1729. 2,500*l.* for the Purchaſe of the Intereſt of *Dougall Cuthbert*, Eſq; or any Perſons claiming under him in a Reverſionary Grant to him during his Life, in the Office of Warden of the *Fleet* Priſon, after the Deceaſe of *Thomas Bambridge*, Eſq; 10,000*l.* towards the Maintenance of the Forts and Settlements belonging to the Royal *African* Company of *England*, on the Coaſt of *Africa*; 1500*l* for one Year's Penſion to the Widows of ſuch Half-Pay Officers of the Land-Forces, as ſerved and were maimed before the 25th of *December* 1716, which Sum of 1500*l.* ſhall be iſſued to ſuch Perſons as his Majeſty ſhall, by Warrant under his Royal Sign Manual, direct to receive the ſame, to be by them paid over to ſuch Widows of Half-Pay Officers, or their Aſſigns, according to ſuch Eſtabliſhments, and ſubject to ſuch Conditions, Deductions, or other Allowances for the ſame, as his Majeſty ſhall, by ſuch or the like Warrant be graciouſly pleaſed to direct.

CXLII. *Sect.* 16. The ſaid Supplies ſhall not be applied to any Uſe, other than the Uſes before mentioned for the Deficiencies or other Payments directed to be ſatisfied thereon, by any particular Clauſes for that Purpoſe, contained in any other Act of this preſent Seſſion.

CXLIII.

CXLIII. Sect. 17. *This Clauſe contains only the Rules to be obſerved in the Application of the Half-Pay, which Rules are* verbatim *the ſame as above*, Par. XI.

CXLIV. Sect. 18. *This Clauſe impowers his Majeſty to diſpoſe of the Overplus of the* 57000*l. granted by the Act* 2 G. 2. c. 18, *for Half-Pay to reduced Officers for the Year* 1729, *in like Manner as above*, Par. CVI.

CXLV. *Sect.* 19. The Treaſury ſhall direct the Sum of 2,995*l.* 11*s.* 1*d.* ¾ or thereabouts, over-paid by *Richard Wollaſton*, Eſq; Receiver General of the Taxes for the County of *Salop*, or his Agents, on the Land-Tax, 1721, whereby he is in Arrear the like Sum on his Account for the Year 1722, to be repaid to the ſaid *Richard Wollaſton*, out of the Arrears of former Land-Taxes, which are now in, or ſhall come into the Exchequer, and are not otherwiſe appropriated; and the ſame ſhall be by him immediately paid in, in Diſcharge of the ſaid Arrear on his Account of the Land-Tax granted for the Year 1722.

Tobacco.

I. Stat. 12 G. 1. *c.* 28. *Sect.* 10. All Tobacco ſeized for being prohibited, or for Non-payment of Duty, ſhall after Condemnation be publickly ſold at ſuch Places as the Commiſſioners of the Cuſtoms in *England* or *Scotland* reſpectively, ſhall think proper; and the Officer, or other Perſon authorized, making ſuch Seizure, ſhall for his Encouragement, be allowed One Third Part of the publick Sale of ſuch Tobacco, free from all Charges of Condemnation and Sale.

II. *Sect.* 11. The Commiſſioners of the Cuſtoms, if they think fit, may cauſe all ſuch Tobacco as will not ſell publickly for the Duties, to be burnt, or otherwiſe deſtroyed; and the Officer, or other Perſon, making ſuch Seizure, to be rewarded in ſuch Manner as they think proper, not to exceed 1 *d. per* lb.

III. *Sect.* 13. All Tobacco Stalks, or Stems ſtript from the Leaf, ſhall be prohibited to be imported; and on Seizure and Condemnation thereof, the Commiſſioners of the Cuſtoms ſhall cauſe the ſame to be publickly burnt; and ſhall allow the Officer for his Encouragement in making the Seizure, 1 *d. per* lb. of ſuch Stalks or Stems ſo ſeized and condemned, clear of all Charges of Condemnation.

IV. Stat. 2 G. 2. *c.* 9. The Preamble recites, That whereas by the Act 9 G. 1. *c.* 21. it was enacted, That after the Firſt of *June*, 1724, no Tobacco ſhould be imported into

into *Great Britain*, ſtript from the Stalk or Stem, and that if any ſuch Tobacco ſhould be imported after the ſaid Day, the ſame ſhould be ſeized, and ſhould be liable to be ſearched for, and forfeited by any Officer of the Cuſtoms, which Clauſe having been found prejudicial to the Planters of Tobacco in *America*, and to the Tobacco Trade of this Kingdom; Therefore it is enacted,

Sect. 1. That the ſaid Clauſe in the recited Act [*which Clauſe ſee in* Vol. VI. Tit. Tobacco, Par. XIX.] prohibiting the Importation of Tobacco ſtript from the Stalk or Stem, ſhall be, and is hereby repealed.

Victuallers and Retailers of Beer and Ale.

I. Stat. 12 G. 1. c. 12. *Sect.* 1. AFTER the 24th of *June*, 1726, a Sum not leſs than One Pound, nor more than Six Pounds yearly, ſhall be paid to his Majeſty by every Victualler and Retailer of Beer and Ale in the Cities of *London* and *Weſtminſter*, and within the Weekly Bills of Mortality; which Duties ſhall be ſubject to ſuch Regulations and Reſtrictions as are herein after-mentioned.

II. *Sect.* 2. Such Perſons as his Majeſty, or the Treaſury, ſhall, by Commiſſion for that Purpoſe, appoint, ſhall be his Majeſty's Commiſſioners for the granting ſuch Permiſſions or Authorities for retailing Beer and Ale, and for the Receipt and Management of the Duties by this Act appointed to be raiſed; which Commiſſioners, or the major Part of them, ſhall have hereby Power, by Commiſſions under their Hands and Seals, to ſubſtitute under them ſuch Officers as ſhall be neceſſary in that Behalf.

III. *Sect.* 3. After the Twenty-fourth of *June*, 1726, no Inn-keeper, Victualler, or other Perſon whatſoever, ſhall preſume to ſell any Beer or Ale by Retail, either publickly or privately, within the Cities of *London* and *Weſtminſter*, or within the Weekly Bills of Mortality, without firſt obtaining a Permiſſion for that Purpoſe, in Writing under the Hands and Seals of the Commiſſioners, or the major Part of them; and in Order to the obtaining ſuch Permiſſion for retailing, &c. and before the ſame ſhall be granted, the ſeveral Perſons requiring ſuch Permiſſions, ſhall yearly, and every Year, within Twenty Days next after the Twenty-fourth of *June*, 1726, or ſome Perſon on their Behalf, apply to the Commiſſioners, and compound with them

them for a Sum of Money to be annually paid by ſuch Inn-keeper, Victualler, or Retailer ſo compounding for one Year, commencing from the Twenty-fourth of *June*, 1726, next before the making ſuch Compoſition; whereof one Moiety ſhall be paid down upon the ſigning of the Permiſſions, and the other Moiety at the End of Six Months then next enſuing; which Permiſſions ſhall yearly, after the ſame ſhall be expired, be ſent to the Commiſſioners to the Intent the ſame may be cancelled, and new Compoſitions made, and the like Permiſſions granted to the ſaid Victuallers, &c. and ſo *toties quoties*, yearly, as the Permiſſions ſhall expire.

IV. *Sect.* 4. If any ſuch Inn-keeper or Retailer, making ſuch Compoſition, and taking out ſuch Permiſſion, ſhall ceaſe to be an Inn-keeper, Victualler, or Retailer, and ſhall pay off all Arrears of Compoſition Money, in ſuch Caſe, upon giving Notice to the Commiſſioners at their chief Office, the Permiſſion and Compoſition of ſuch Inn-keeper, &c. ſhall from thenceforth determine.

V. *Sect.* 5. The Compoſitions to be made, purſuant to this Act, ſhall be made by the Commiſſioners, or major Part of them, according to the beſt Intelligence they can obtain of the Trade and Conſumption of the Compounder.

VI. *Sect.* 6. No more ſhall be paid to the Commiſſioners than 2 *s.* 6 *d.* for each Permiſſion; and the Sums to be paid for the ſame ſhall be accounted for yearly, with the other Money to be raiſed with the Compoſition-Money hereby appointed to be paid.

VII. *Sect.* 7. After the Twenty-fourth of *June*, 1726, no Inn-keeper, Victualler, or other Perſon whatſoever, ſhall preſume to ſell any Beer or Ale by Retail, either publickly or privately, within the ſaid Cities or Liberties, to be ſent and conſumed out of their Houſe, in any Pot, Cup, or other Drinking Veſſel belonging to any ſuch Inn-keeper, &c. which ſhall contain leſs than one Gallon in Ale Meaſure, on Pain of forfeiting 40 *s.*

VIII. *Sect.* 8. This Act ſhall not extend to prohibit the Selling in any ſuch Pot or Drinking Veſſel, any Beer or Ale to be immediately drunk or conſumed at, or before the Door of the Houſe of ſuch Inn-keeper, &c. or in any Outhouſe, Shed, Arbour, Garden, or Yard, belonging to ſuch Houſe.

IX. *Sect.* 9. If any Inn-keeper, Victualler, or Retailer, ſhall neglect or refuſe to take out ſuch Permiſſion, or to pay his Compoſition-Money, as the ſame ſhall become due, he ſhall, for every ſuch Neglect or Refuſal, forfeit 20 *l.*

X. *Sect.*

X. *Sect.* 10. The Commiſſioners ſhall have the ſame Powers in all Caſes, relating to the Compoſitions, Fines, or Penalties by this Act impoſed, as the Commiſſioners of the Exciſe have, or may lawfully exerciſe, by Virtue of the Act 12 *Car.* 2. *c.* 24. or by any other Law now in Force, relating to his Majeſty's Revenue of Exciſe upon Beer, Ale, *&c.*

XI. *Sect.* 11. The Fines, Penalties, and Forfeitures, in Relation to the Compoſitions by this Act charged, ſhall be ſued for, levied, recovered, or mitigated, by the ſame Ways, Means, and Methods, as any Penalty or Forfeiture given by any of the Laws of Exciſe upon Beer, Ale, *&c.* may be ſued for, *&c.* or by Action of Debt, Bill, Plaint, or Information in any of the Courts at *Weſtminſter*; and one Moiety of ſuch Fines, *&c.* ſhall be to the Crown, and the other to the Perſon that ſhall diſcover, inform, or ſue for the ſame.

XII. *Sect.* 12. The Perſons who ſhall be appointed Commiſſioners for putting this Act in Execution, ſhall have the ſame Power and Authority, and may hear, judge, determine, mitigate, or order, in all Caſes relating to the Compoſitions, Fines and Penalties by this Act impoſed, as the Commiſſioners for the Duties on Beer, Ale, and other Liquors, may lawfully exerciſe, adjudge, *&c.* in Matters relating to the ſaid Duty of Exciſe, by any Law or Statute now in Force.

XIII. *Sect.* 13. Nothing in this Act ſhall extend to take away, alter, or diminiſh any of the Powers or Authorities by Law veſted in the Juſtices of the Peace within *London* or *Weſtminſter*, or the Weekly Bills of Mortality, in the licenſing and regulating Inn-keepers, Victuallers, and Retailers of Beer and Ale within the ſaid Cities and Limits.

XIV. *Sect.* 14. If any Perſon ſhall be ſued for putting this Act in Execution, he may plead the General Iſſue, *&c.* and on a Verdict, *&c.* he ſhall recover treble Coſts.

Watermen, Wherrymen, Lightermen.

1. Stat. 2 G. 2. *c.* 26. *Sect.* 1. AFTER the 24th of *June*, 1729, it ſhall not be lawful for any Perſon who now, or hereafter ſhall keep, uſe, hire, or work any Wherry-Boat, Tilt-Boat, Barge, or other Veſſel, for carrying Paſſengers or Goods for Hire, upon the River *Thames*,

between *Graveſend* in the County of *Kent*, and *Windſor* in the County of *Berks*, to bind, receive, take or imploy any Apprentice or Servant, unleſs he be a Houſe-keeper, or have ſome known Habitation, Lodging, or Place of Abode, where he may receive and entertain ſuch Apprentice or Servant; and ſhall regiſter with the Clerk of the Watermen's Company the Habitation, *&c.* where he ſhall then reſide, or where he ſhall afterwards remove, upon Pain that every Maſter or Perſon binding, receiving, *&c.* any Apprentice or Servant, contrary to this Act, and being thereof convicted before the Lord Mayor of *London*, or before any one or more Juſtices of the Peace for the ſaid City, or for the County or Place where the Offence ſhall be found, by the Oaths of Two or more credible Witneſſes, ſhall for every ſuch Offence forfeit 10*l.* to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Lord Mayor, Juſtice, *&c.* and for want of ſufficient Diſtreſs, he ſhall, by the like Warrant, be committed to the common Workhouſe, or Houſe of Correction, there to remain without Bail or Mainpriſe, and to be kept to hard Labour for any Time not exceeding One Month, nor leſs than Fourteen Days; and the Clerk of the ſaid Company ſhall, upon Application made to him, regiſter the Habitation, *&c.* of every ſuch Waterman, *&c.* and every ſuch Removal as aforeſaid, in ſome Book of the ſaid Company, to be kept for that Purpoſe, without Fee or Reward; and in Caſe of Neglect, ſuch Clerk ſhall, for every Offence, forfeit 10*l.* to be levied, recovered, and applied, as any other Penalty is to be levied, *&c.* by this Act. And if any Waterman, *&c.* ſhall not regiſter his Habitation, *&c.* and every ſuch Removal thereof, as aforeſaid, every ſuch Apprentice bound to any ſuch Waterman, *&c.* ſhall, on Application to the Rulers and Overſeers of the ſaid Company, or the major Part of them, at any of their publick Courts, be by them turned over to any other Maſter or Miſtreſs; any Indenture, Covenant, Contract or Agreement to the contrary notwithſtanding.

II. *Sect.* 2. After the Twenty-fourth of *June*, 1729, it ſhall not be lawful for any Apprentice, to have or take upon him the ſole Care and Management of any Boat or Veſſel upon the ſaid River within the Liberties aforeſaid, 'till ſuch Apprentice ſhall have attained the full Age of Sixteen Years, if he be the Son of a Waterman, and the Age of Seventeen Years, being the Son of a Landman; and unleſs he ſhall have worked and rowed on the ſaid River with ſome able and skilful Waterman, *&c.* for Two Years at the leaſt, before his attaining of the ſaid reſpective Ages; and if any ſuch Apprentice, under the ſaid Years, ſhall offend,

offend, or act contrary to the true Intent and Meaning of this Act, and be convicted thereof in Manner aforesaid, then the Master or Mistress of such Apprentice shall forfeit for every such Offence 10 *s.* to be levied, recovered, paid and applied to and for such Uses and Purposes, and in such Manner as any other Penalty and Forfeiture in and by this Act is to be levied, *&c.*

III. *Sect.* 3. Whereas pursuant to Acts of Parliament in that Behalf, the Rulers, Auditors and Assistants of the Company of Watermen on the said River, between *Gravesend* and *Windsor*, have, for the better and more effectual keeping and maintaining good Order and Obedience among the said Company, made and ordained several good Rules, Orders and Constitutions, with reasonable Penalties for Breach thereof, which being approved by the Court of Lord Mayor and Aldermen of *London*, and afterwards confirmed by the Lord Chief Justice of the King's Bench, ought to be put in Execution, but are in a great Measure ineffectual for want of sufficient Distress to answer the said Penalties, by Means whereof the most notorious Offenders often escape unpunished, and the Offences are repeated to the great Injury of his Majesty's Subjects; for Remedy whereof it is enacted, That in all Cases, where sufficient Distress cannot be found to satisfy the Penalties inflicted by such Rules, *&c.* Oath being made of such Want of Distress, before the Lord Mayor of the said City, or before any Justice of the Peace for the County, City, or Place where the Offence shall be found, it shall be lawful for such Lord Mayor or Justice to commit such Offender to the publick Workhouse, or House of Correction, there to remain without Bail or Mainprize, to be kept at hard Labour, for any Time not exceeding One Month, nor less than Fourteen Days, such Offender being convicted according to this Act or the Act 11 & 12 *W.* 3. *c.* 21. *which see in* Vol. IV. Tit. Watermen, &c.

IV. *Sect.* 4. If any Person, not having served for the Space of seven Years to any Waterman, *&c.* (except Trinitymen, Fishermen, Ballastmen, and Persons employed in rowing, or any ways navigating Western Barges, Mill-Boats, Chalk-Hoys, Faggot and Wood Lighters, Dung-Boats, and Gardeners Boats, in such Manner as hath been accustomed, and is allowed and reserved by the said Act 11 & 12 *W.* 3. *c.* 21.) shall row, or cause to be rowed or worked, any Boat, Wherry, Lighter, or other Vessel or Craft, upon the said River, for Hire or Gain, between the Limits aforesaid, at any Time hereafter, in such Case every such Offender, being thereof convicted in Manner as aforesaid, shall for every such Offence forfeit 10 *l.* to be levied and recover'd as aforesaid;

ſaid; and for Want of ſufficient Diſtreſs, the Lord Mayor of *London*, or any Juſtice of the Peace for the County, City, or Place where the Offence ſhall be committed, is hereby required, by Warrant under his Hand and Seal, to commit ſuch Offender to the next common or publick Workhouſe or Houſe of Correction, there to remain without Bail or Mainprize, not exceeding one Month, nor leſs than fourteen Days.

V. *Sect.* 5. The Number of Aſſiſtants of the ſaid Company, at their future Elections, ſhall be reduced to Thirty, but each of them to be elected as heretofore they have ſeverally uſed to be.

VI. *Sect.* 6. This Act ſhall not extend to the leſſening, taking away, prejudicing, or otherwiſe impeaching of the Right belonging to, or lawfully claimed by the late *Charles* Duke of *Richmond* and *Lenox*, Lord of the Manor of *Graveſend*, his Heirs, Executors, Adminiſtrators, or Aſſigns, for the Holding a certain Court within the ſaid Manor, called *Curia curſus aquæ*, or the Court of the Water-courſe, for the better Government of Barges, Boats, and Veſſels, uſing the Ferry or Paſſage from *Graveſend* to *London*, and of the Perſons owning or working the ſame, or of any other Rights, Liberties, Powers, and Privileges, belonging to the ſaid late Duke, his Heirs, *&c.* relating to the ſaid Ferry or Paſſage, or to the Barges, Tilt-Boats, or other Boats and Veſſels uſing the ſaid Ferry or Paſſage, or plying at the Bridge of *Graveſend*, or the Perſons owning or working the ſame.

VII. *Sect.* 7. Nothing in this Act ſhall be conſtrued to extend to the leſſening, taking away, hindring, prejudicing, or impeaching of any Grants, Liberties, Franchiſes, Cuſtoms, Privileges or Uſages, now or heretofore lawfully uſed, held, or imployed by the Mayor, Jurats, and capital Inhabitants of the Villages and Pariſhes of *Graveſend* and *Milton* in the County of *Kent*, relating to the Paſſage and Ferry on the River *Thames*, from the ſaid Villages and Pariſhes to *London*, or concerning the Government or Gubernation of the ſaid Paſſage and Ferry, but the ſaid Mayor, Jurats, *&c.* and their Succeſſors, may do and execute all ſuch lawful Acts, Powers and Authorities touching the ſaid Paſſage and Ferry, and the Government thereof, as they might have done if this Act had not been made.

VIII. *Sect.* 8. It ſhall be lawful for the Leſſees, Owners, or Occupiers of any Key between the *Hermitage-Bridge* and *London-Bridge*, to uſe their Lighters, or larger Crafts, as hath been heretofore lawfully accuſtomed for the carrying of Goods and Merchandizes to and from their reſpective Keys and Wharfs, and to and from Ships loading or unloading, and to imploy any Perſons, being Watermen or Lightermen

duly

duly qualified, as by the ſaid Act 11 & 12 *W.* 3. *c.* 21. is directed, to row and work in their Lighters, or large Craft, and to do any Thing as heretofore they might lawfully do, from ſuch their Keys and Wharfs to any Ships or Veſſels.

IX. *Sect.* 9. All the Penalties and Forfeitures incurred by Virtue of this Act, ſhall be ſued for by the Rulers and Overſeers of the ſaid Company, or any two of them, in the Manner directed by the ſaid Act 11 & 12 *W.* 3. *c.* 21. and when recovered, ſhall be paid to the ſaid Rulers and Overſeers, and ſhall be by them diſtributed for the Uſe of the Poor of the ſaid Company, in ſuch Manner as the ſaid Rulers and Overſeers, or the major Part of them, ſhall think fit; and all Proſecutions for the ſaid Penalties and Forfeitures ſhall be commenced within one Month after the Offence committed.

X. *Sect.* 10. All Conſtables and Headboroughs ſhall be aiding and aſſiſting in the Execution of this Act; and in Caſe any Suit or Proſecution ſhall be commenced againſt any Perſon for any Matter or Thing done in Purſuance of this Act, or any former Act relating to the Water Service on the ſaid River, or to the regulating and governing the Company and Perſons aforeſaid, in every ſuch Caſe the Action or Proſecution ſhall be brought and commenced within thirty Days after the Fact committed, and not afterwards; and the Perſons ſo ſued or proſecuted, may from that Time plead the General Iſſue, and give this, or any former Act in Evidence, &c. and on Verdict, &c. he ſhall recover treble Coſts.

XI. *Sect.* 11. This ſhall be deemed a publick Act, and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

Wines.

I. Stat. 12 *G.* 1. *c.* 28. *Sect.* 20. It ſhall be lawful for the Commiſſioners of the Cuſtoms, to cauſe ſuch Wines, as any Merchant or other Perſon ſhall refuſe to pay or ſecure the Duties for, as being damaged, corrupt, or unmerchantable, to be received into the Cuſtody of proper Officers of the Cuſtoms, together with the Casks or other Package containing the ſame, and put into Warehouſes; and the Commiſſioners are hereby impowered to cauſe ſuch Wines, inſtead of their being ſtaved, ſpilt, or otherwiſe deſtroyed, by Virtue of the Act 6 *G.* 1. *c.* 12. (which ſee in Vol. VI. Tit. Wines) to be publickly ſold, in order to be diſtilled into Brandy, or made into Vinegar, taking ſufficient Security to his Majeſty's Uſe, that ſuch Wines be not made Uſe of for any

any other Purpoſe; ſuch Security to be diſcharged on a Certificate, that the Wines have been ſo made Uſe of within three Months after they ſhall have been delivered out of the Warehouſes; and the Commiſſioners ſhall cauſe the Produce of ſuch Sale, without Fee or Reward, to be paid to the Merchant, as a Compenſation for the Freight and other Charges of ſuch Wine, not exceeding the Allowances, given by the Act 6 G. 1. c. 12. and if there be an Overplus ariſing from the Sale, beyond the Allowances for Freight, &c. the Commiſſioners ſhall cauſe the ſame to be replaced to the Duties out of which the Charges of Warehouſe-Rent, and other Charges attending the Keeping and Selling the ſaid Wines, are or ſhall be paid.

II. Stat. 1 G. 2. *Seſſ.* 2. *c.* 17. *Sect.* 1. Whereas great Quantities of Wines have of late been imported, mixt with, and under Pretence of Lees, which were afterwards drawn off, and ſold as Wine, to the manifeſt Abuſe of the Law, and Prejudice of the Revenue. Therefore for Remedy thereof it is enacted, That after the 24th of *Auguſt*, 1728, the ſeveral Subſidies, Additional Import, Additional Duty, and other Duties whatſoever, payable to the King by any Law now in Force, upon the Importation of Wine-Lees, ſhall ceaſe and be no longer payable after that Time.

III. *Sect.* 2. In Lieu of the ſaid former Subſidies and other Duties repealed by this Act, all Wine-Lees imported into *Great Britain*, after the ſaid 24th of *Auguſt*, 1728, ſhall be liable to, and pay the ſame Subſidies, Impoſitions, and other Duties, as are now payable on the Importation of Wines into this Kingdom, by any Acts now in Force, according to the ſeveral Growths thereof.

IV. *Sect.* 3. The ſeveral Duties granted by this Act, ſhall be paid or ſecured, raiſed and collected in ſuch Manner, and by ſuch Ways and Means, and under ſuch Penalties and Forfeitures, and with ſuch Diſcounts and Allowances, as are mentioned in the ſeveral Acts which granted or continued the ſeveral Subſidies or other Duties upon Wines imported; and all Powers, Penalties, Clauſes, and Proviſions therein contained, ſhall continue in full Force during the Continuance of the ſaid Subſidies and other Duties on Wines, and ſhall be practiſed and executed for the raiſing, collecting, ſecuring, paying, and appropriating the ſaid Subſidies and Duties on Wines imported, as fully and effectually to all Intents and Purpoſes, as if the ſaid Clauſes, &c. had been again repeated in the Body of this Act.

V. *Sect.* 4. No Drawback ſhall be allowed for any Lees of Wine exported.

VI. *Sect.* 7. After the 29th of *November*, 1728, no Wines, (other than ſuch as hereafter are mentioned) ſhall be im-

ported into this Kingdom in Flasks or Bottles, or in any Veſſel or Cask, containing leſs than 25 Gallons, on Pain of forfeiting the ſame or the Value thereof, one Moiety to the King, the other to him who will ſeize in Form, or ſue for the ſame by Action of Debt, &c. in any of the Courts at *Weſtminſter*, wherein no Eſſoign, &c. ſhall be allowed, or more than one Imparlance; or by Virtue of any Laws of Exciſe, for ſuch Forfeiture as ſhall be incurred in *England*, or in the Court of Exchequer in *Scotland*, for ſuch Forfeiture as ſhall be incurred in *Scotland*.

VII. *Sect.* 8. This Act ſhall not extend to prohibit the Importation of Wines of the Growth of the Dominions of the Great Duke of *Tuſcany*, in open Flasks, or Wines of the Growth of *Turkey*, or any other Part of the *Levant* Seas, in the ſame Manner as they have heretofore uſually been imported.

Woollen Manufactures.

I. Stat. 11 *G.* 1. *c.* 24. *Sect.* 1. After the 24th of *June*, 1725, Every Woollen Broad Cloth, made within the *Weſt-Riding* of the County of *York*, whether the ſame be called an End or Half Cloth, or a Long or Whole Cloth, being well Scoured and fully Milled, ſhall at the leaſt be five Quarters and a Half, by the Standard Yard-Wand in Breadth within the Liſts in the Water; and every ſuch Cloth, called an End or Half Cloth, ſhall not exceed in Length twenty-four Yards; and every ſuch Cloth, called a Long or Whole Cloth, ſhall not exceed in Length forty eight Yards, each Sort, when being fully wet.

II. *Sect.* 2. If any Clothiers or Makers of Broad Woollen Cloth ſhall, after the ſaid 24th of *June*, make or expoſe to Sale any of the aforeſaid Cloths, which ſhall not be of the reſpective Breadths, or ſhall exceed the Lengths before-mentioned and preſcribed, every Perſon ſo offending, being thereof convicted by the Oath of one credible Witneſs before a Juſtice of the Peace for the *Weſt-Riding* of the ſaid County of *York*, or any Corporation within the ſame (provided ſuch Juſtice be not a Merchant or Trader in the Woollen Manufacture) and which Oath the ſaid Juſtice is hereby impowered to adminiſter, ſhall, for every Inch ſuch Cloth ſhall fall ſhort of the Breadth before-mentioned, and for every Yard the ſaid Broad Cloth, called a Long or Whole Cloth, ſhall exceed the Length of forty-eight Yards, and for every Yard the ſaid Broad Cloth, called an End or Half Cloth, ſhall exceed the Length of twenty-four Yards, forfeit reſpectively 20 *s.* Provided, That if it ſhall happen that any of the ſaid Cloths without any wilful Default of the Maker thereof,

thereof, ſhall in ſome Parts (not exceeding in the Whole one fifth Part of the Length) fall ſhort of the Breadth before directed, ſuch Cloths may notwithſtanding be ſold, without incurring any of the Penalties by this Act impoſed on the Maker or Seller thereof.

III. *Sect.* 3. All Woollen Broad Cloth ſhall be meaſured at the Fulling Mill, after it has been fully milled and ſcoured, and throughly wet by the Maſter, Owner or Occupier of the Fulling Mill, who ſhall take an Oath before a Juſtice of the Peace for the ſaid Riding, that he will well and truly perform ſuch Meaſuring (which Oath ſuch Juſtice is hereby required to adminiſter, and to give ſuch Maſter, *&c.* a Certificate of his having taken ſuch Oath) and the Maſter or Occupier of every ſuch Fulling Mill ſhall affix at the End of every ſuch Cloth, before it be carried from the Mill, a Seal of Lead, to be furniſhed by the Clothier, and ſhall rivet the ſame on every ſuch Cloth, and ſtamp his Name in Words at Length thereon, and in Figures plain to be ſeen and known ſtamp alſo the Length and Breadth of every ſuch Cloth, for which the Owner ſhall pay him two Pence, one Penny whereof to be paid to the Treaſurer of the ſaid *Weſt-Riding*, to be applied by Direction of the Juſtices at their Quarter-Seſſions towards the Salaries of Searchers by them to be appointed by Virtue of this Act; and the Length and Number of Yards ſo ſtamped on ſuch Seal, ſhall be a Rule of Payment for every ſuch Cloth by the Buyer thereof: Provided, that if it ſhall happen, that after any Cloth ſhall have been ſo milled, ſealed and ſtampt, any Part thereof ſhall by Accident be damaged and taken off, ſuch Part thereof as ſhall not be damnified, ſhall be again meaſured, ſealed and ſtampt, as before is directed; and the Seal ſhall be affixed to that end of the Cloth, from whence ſuch Part was cut off.

IV. *Sect.* 4. If any Owner or Millman of any Fulling-Mill ſhall refuſe or neglect to take the before-mentioned, or to fix ſuch Seals at each End of every Woollen Broad Cloth, before it be carried from the Mill, in Manner, and with ſuch Stamp as is before directed, and to enter in a Book to be kept by ſuch Maſter, Millman, *&c.* a fair and true Regiſter of the Marks, Sort, Number, Length and Breadth of every ſuch Cloth; or ſhall refuſe to permit any Buyer or Searcher of Cloth to inſpect the ſaid Book in Order to compare the Marks, Sort, Number, Length, Breadth and Admeaſurement of every ſuch Cloth with ſuch Book or Regiſter; or if any Perſon ſhall afterwards take off ſuch Seals, or deface, alter or counterfeit the ſame, before the Cloth is ſold to the Retailers in *Great Britain*, or ſent beyond the Seas, except the Millman who milled the ſaid Cloth, or ſome other ſworn Millman, who is alſo in that Caſe to regiſter the ſame

in Manner aforeſaid; every Perſon ſo offending being thereof lawfully convicted on the Oath of one credible Witneſs, before a Juſtice for the ſaid Riding, or any Corporation within the ſame, ſhall, for every ſuch Neglect or Offence, forfeit 5*l.* to be recovered as is afterwards provided for by this Act.

V. *Sect.* 5. If any Merchant or Buyer have Cauſe to ſuſpect the real Lengths and Breadths of ſuch Cloths not to be the ſame as ſtampt on the Seals, he may, within ſix Days after Delivery thereof, and on two Days Notice in writing given to the Seller or Maker, unleſs it be otherwiſe agreed by the mutual Conſent of the Buyer and Seller, put ſuch Cloths into Water for any Time not exceeding four Hours, and afterwards cauſe the ſame to be meaſured by two indifferent Perſons to be choſen one by the Buyer, the other by the Seller; and in Caſe they diſagree in aſcertaining the Length and Breadth of the Cloth, then the Admeaſurement ſhall be made by a third Perſon, to be choſen by the two Perſons appointed as aforeſaid; and if the ſaid two Perſons neglect or refuſe to nominate a third Perſon within two Hours, or if ſuch third Perſon ſo choſen ſhall neglect or refuſe to take upon him the Admeaſurement of the Cloth, at the Requeſt of the Buyer or Seller, then a fit Perſon ſhall be appointed by the next Juſtice of the Peace, or chief Magiſtrate of the Place where the Cloth ſhall happen to be ſold, to make ſuch Admeaſurement; which Juſtice or chief Magiſtrate is hereby authorized to appoint and ſwear ſuch Perſon, truly to admeaſure the ſame; and the Perſon ſo appointed is hereby obliged to be ſworn, and to act for the Purpoſe aforeſaid, on Pain of forfeiting 40*s.* on Conviction before ſuch Juſtice or chief Magiſtrate, to be levied by his Warrant, by Diſtreſs and Sale of the Offender's Goods; and if upon the laſt mentioned Admeaſurement there ſhall be found a leſs Quantity of Cloth in Length or in Breadth, in more than one fifth Part of the Length mentioned in the Seals, in every ſuch Caſe the Clothier or Seller ſhall forfeit the ſixth Part of the Value of every ſuch Cloth to the Poor of the Pariſh, where ſuch Cloth ſhall be found to be ſo defective; and the ſaid Forfeiture ſhall be paid by the Buyer to the Overſeers of the Poor of ſuch Pariſh, for their Uſe; and by ſuch Buyer to be deducted and retained out of the Price of the Cloth, on paying for the ſame, after Certificate of ſuch Defect made by the Perſon meaſuring the ſame; and Oath made thereof by ſuch Perſon before any Juſtice of the ſaid Riding, or any Corporation within the ſame; which Oath ſuch Perſon is required to make, and ſuch Juſtice to adminiſter, and thereof to give a Certificate to the Perſon taking the Oath, without Fee; and all the Money which the Seller ſhall forfeit and pay on Account of ſuch fraudulent Seal, ſhall upon Demand, be repaid by the

Maſter, Occupier or Millman of the Fulling Mill, who affixed the Seals, to the Clothier or Seller of the Cloth, and on Refuſal to be recovered and levied as is herein after provided.

VI. *Sect.* 6. If upon ſuch Admeaſurement the Seals affixed by the Millman are found not to contain the juſt Lengths and Breadths of the Cloth, then the Clothier ſhall be obliged to carry it back to the Millman, to affix on ſuch Cloths new Seals, which ſhall contain the true Lengths and Breadths of the ſaid Cloth; and the Meaſurer ſhall have from the Buyer Six Pence, and no more, for every Piece of Cloth ſo meaſured by him.

VII. *Sect.* 7. If upon the laſt mentioned Admeaſurement any Cloth ſhall be found not to be of the reſpective Breadths, or ſhall exceed the Lengths herein before preſcribed; or if there ſhall be found a leſs Quantity of Cloth in Length, or Breadth, in more than one fifth Part of the Length that is mentioned in the Seals, in every ſuch Caſe the Buyer of the Cloth which ſhall be found to be fraudulent and defective, as aforeſaid, ſhall be at Liberty, within three Days after ſuch Admeaſurement, to return ſuch Cloth to the Clothier, or other Perſon who ſold the ſame; who thereupon is hereby required to repay to the Buyer all the Money and Charges he ſhall have paid or been put to, by Means of ſuch defective or fraudulent Cloth, to be aſcertained by the Oath of the Buyer, before any Juſtice of the Riding or Corporation, as aforeſaid, to be recovered upon his Refuſal, by Warrant under the Hand and Seal of one Juſtice, not being a Dealer in Woollen Cloth, by Diſtreſs and Sale of the Goods of the Perſon ſo refuſing.

VIII. *Sect.* 8. Every Clothier and Maker of ſuch Cloth, ſhall weave or ſew into the Head of the Cloth, in diſtinct Letters and Words, plain to be read, at Length, his Name and Place of Abode; and if any Clothier or Maker of ſuch Woollen Broad Cloth ſhall expoſe to Sale any Cloth without ſuch Seals as before directed, or without ſuch Name and Place of Abode, and be thereof lawfully convicted on the Oath of one credible Witneſs, before ſuch Juſtice as aforeſaid, (not being a Dealer in Cloth) he ſhall forfeit 5 *l.* for every ſuch Piece of Cloth; and if any Perſon ſhall willingly take off, alter, counterfeit, deface, obliterate, or cut out any of the ſaid Seals of Lead, or the Figures, Letters or Words thereon ſtampt, or therein woven or ſewed, before the Cloth be ſold to the Retailer, for the Conſumption of *Great Britain*, or be exported beyond the Seas, the Offender, and every Perſon in whoſe Cuſtody any ſuch Cloth without Seals, or with the Seals defaced, *&c.* ſhall be found, being thereof lawfully convicted, for every Offence ſhall forfeit 5 *l.*

IX. *Sect.* 9. If any Perſon whatſoever, ſhall over and beyond the Meaſure contained in the Seals, ſtretch an End or Half-Cloth, more than one Yard in Length, or any Whole or Long Cloth, more than two Yards in Length, or any Piece of the ſaid Broad Cloth, more than one Inch in every Quarter of a Yard in the Breadth, every Perſon ſo offending, and being thereof lawfully convicted, ſhall, for every Half Yard in Length, and every Inch in Breadth, ſo over-ſtretched, forfeit 20 *s.* to be levied by Warrant under the Hand and Seal of any Juſtice for the County, *&c.* where the Offence ſhall be committed, not being a Merchant or Trader in the Woollen Manufacture.

X. *Sect.* 10. Every Woollen Broad Cloth made in the ſaid Weſt-Riding, ſhall throughout be dreſſed in all Parts alike, not only at the Sides or Edges next the Liſts, but alſo in the Middle, and at the Edges from End to End, that is to ſay, That the Middle of the Cloth, and ſo throughout the Whole, from End to End, have the ſame Work or Dreſſing, the one Part equal with the other; and in Order to diſcover ſuch Abuſes, every Cloth-Dreſſer is hereby obliged to affix, at the End of every ſuch Cloth dreſſed by him, a Seal of Lead; and ſhall rivet the ſame, and ſtamp thereon his Name in Words at Length, that it may be known who the Dreſſer of each Cloth ſhall be; and every one offending in the Premiſes ſhall, for every Neglect or Offence, forfeit 5 *l.*

XI. *Sect.* 11. Every Owner of Tenters in the ſaid Weſt-Riding ſhall mark in Figures the true Length of Yards of each Tenter, beginning at Number I. and ſo continuing to the End thereof, on the Top-Bar belonging to each Tenter, on the Fore-ſide of it; and if any ſuch Tenter ſhall be found not to be marked and numbered as aforeſaid, the Owner of ſuch Tenter ſhall forfeit 5 *l.* for each Tenter not ſo marked, *&c.* ſuch Penalty to be recovered as any other Penalties are hereby directed to be.

XII. *Sect.* 12. The Juſtices of the Peace for the ſaid Weſt-Riding, ſhall, at their Quarter-Seſſions to be holden next after *Midſummer* next, and afterwards at their Quarter-Seſſions to be holden next after *Eaſter* in every Year, appoint ſo many Men of good Character and Repute within the ſaid Riding, as they ſhall think reaſonable, to be Searchers for the Year enſuing, and may allow to each of them a Salary, not exceeding 15 *l. per Annum*, to be paid out of the Money as ſhall be received by the Treaſurer of the ſaid Riding, as before directed: Which Searchers ſhall, by Direction and Authority of any Juſtice of the Peace for the ſaid Riding, or any Corporation within the ſame, at all ſeaſonable and convenient Times, enter and inſpect in the Day-Time, (Sundays excepted) the Mills of any Clothier, or other Perſon, for milling of Cloth, and if they think fit, to meaſure the

the Length and Breadth of any Cloth they ſhall find there, before it be carried from thence: And every ſuch Searcher, before he enters on the Execution of his Office, ſhall take the following Oath before any ſuch Juſtice of the Peace; *viz.*

I A. B. *do ſwear, That I will well and truly execute the Office of a Searcher of Broad Woollen Cloth, within the Weſt-Riding of the County of* York, *according to the Laws and Statutes of this Realm, and according to the beſt of my Skill and Knowledge.*

So help me GOD.

XIII. *Sect.* 13. It ſhall be lawful for every ſuch Searcher, from Time to Time as Occaſion ſhall require, more eſpecially when directed by any ſuch Juſtice for the ſaid Riding, or any Corporation within the ſame, in Writing under his Hand ſo to do, in the Day-Time to enter into any Houſe, Shop, Out-houſe, Tenter-Ground, or Warehouſe of any Merchant, Seller, or any other Dealer in Cloth, or the Mills of any ſuch, or any Out-houſe belonging thereto, within the ſaid Riding, to ſearch for any Woollen Broad Cloth which ſhall be ſtretched beyond the Lengths or Breadths aforeſaid; or any Alteration in the Seals; and for the better diſcovering of ſuch Abuſe, to meaſure any ſuch Cloth, which he ſhall ſuſpect to be ſo over-ſtretched; and in caſe of Reſiſtance or Refuſal by any Perſon to permit ſuch Searcher to enter any of the ſaid Places, the Perſon ſo reſiſting or refuſing ſhall forfeit 10 *l.* on Conviction before any ſuch Juſtice; and if the Searcher ſhall find any Woollen Broad Cloth after it has been tentered, without the Seal, or ſuch Seal defaced, counterfeited, altered or pull'd off, except it ſhall appear that it was accidentally loſt, or maliciouſly torn off; and if it appear that the ſaid Cloth hath not been duly ſtretched when put into Water, or that any of the ſaid Cloths appears by the Mark, Stamp or Seals to be over ſtretched in Length or Breadth beyond the Dimenſions allowed by this Act, or that the Name and Place of Abode of the Maker of ſuch Cloth ſhall be cut out or alter'd, in ſuch Caſe the Owner of the Cloth ſhall, for every Offence, forfeit 10 *l.*

XIV. *Sect.* 14. If any ſuch Searcher ſhall act againſt his Oath, and be convicted thereof in Manner aforeſaid, he ſhall forfeit 20 *l.*

XV. *Sect.* 15. Nothing herein contained ſhall extend to give any Power to ſuch Searcher to ſearch and examine ſuch Broad Cloths as ſhall be preſſed and packed up for Exportation, unleſs he be firſt authorized by Warrant under the Hand and Seal of ſuch Juſtice as aforeſaid, made on Information upon Oath of one credible Perſon, that he hath good Reaſon to ſuſpect, and verily believes that ſome Fraud

hath been committed in the Cloth ſo preſſed and packed up, contrary to the true Meaning of this Act: And if upon ſearching and examining ſuch packed up Cloth, no ſuch Fraud ſhall be found, then ſuch Informer is hereby directed to pay to ſuch Merchant or Dealer in Cloth, where Cloth ſhall be ſo opened and ſearched, after it hath been preſſed and packed up, 5*s.* for every Cloth which ſhall be ſo unpacked, towards the Damage ſuch Merchant or Dealer ſhall ſuſtain by ſuch cauſeleſs or malicious unpacking, and in Default of Payment thereof, the ſame to be levied as any other Penalties are hereby directed to be.

XVI. *Sect.* 16. If any Cloth-Dreſſer, to whom any Cloth ſhall be delivered by any Merchant or other Buyer, to be dreſſed, ſhall be guilty of ſtretching the Cloths farther than by this Act is preſcribed, or ſhall alter, deface, counterfeit or take off ſuch Seals, whereby the Merchant, Buyer or Owner of ſuch Cloths may be ſubject to any of the Penalties contained in this Act; then and as often as the ſaid Merchant, *&c.* ſhall pay and undergo ſuch Penalties on Account of the ſaid Cloth-Dreſſers, committing ſuch Abuſes, the ſaid Merchant, *&c.* ſhall be repaid by ſuch Cloth-Dreſſer all ſuch Sums as he ſhall ſo pay as aforeſaid.

XVII. *Sect.* 17. No Perſon, who ſhall not have ſerved for the Space of ſeven Years, as an Apprentice to the Trade of a Broad Clothier, or hath not been in the Exerciſe of the ſaid Trade for the Space of two Years before the Commencement of this Act, (except the Widows of Clothiers and Perſons marrying ſuch Widows) ſhall make any Broad Cloth in the ſaid Riding, under the Penalty of forfeiting 10 *l.* for every Month that ſuch Perſon ſhall continue to uſe the ſaid Trade; to be recovered and levied as other Penalties by this Act are appointed to be.

XVIII. *Sect.* 18. If any Perſon within the ſaid Weſt-Riding of the County of *York*, ſhall uſe in Dreſſing of Cloth any Cards made with Wire or with Teeth of Iron or any other Metal, ſuch Perſon ſhall, for every ſuch Offence, forfeit 50 *l.* provided that Information upon Oath ſhall be given of the Offences mentioned in this Act, within twenty Days, after diſcovered; and all ſuch Offences, (except ſuch for which any other Remedy is hereby provided) ſhall be enquired of and determined, and Convictions thereon made, on Oath of one credible Witneſs, by one Juſtice of the Peace, not being a Dealer in Woollen Cloth, Notice being firſt given of the Charge to the Perſon therewith charged; and all Penalties and Forfeitures which ſhall happen by Reaſon of this Act, except ſuch as are otherwiſe expreſsly diſpoſed of, ſhall go one Half to the Informer of the Offence on which the Conviction ſhall be made, and the other Half to the Poor of the Pariſh where the Offence

ſhall

ſhall be committed: And if any Offender ſhall, by the Space of Ten Days next after he ſhall be convicted of any the Offences aforeſaid, and have Notice thereof given him at his Dwelling-Houſe, or laſt Place of Abode, refuſe or neglect to pay any Forfeiture by him incurred by Reaſon of this Act; or ſhall not appeal as is herein after provided, to the Quarter-Seſſions, then, and not before, it ſhall be lawful for the Juſtice of Peace, before whom ſuch Conviction ſhall be made, or any other Juſtice for the ſaid Riding, or any Corporation within the ſame, not being a Dealer in Cloth, on Certificate of ſuch Conviction ſent to them from the Juſtice before whom ſuch Conviction was made, who is hereby authorized and required to iſſue out one or more Warrants under his Hand and Seal, to the Conſtable of the Town or Place, or Bailiffs of the Liberties, Wapentakes, or Limits where ſuch Offender inhabits, thereby commanding him or them to levy the ſame by Diſtreſs and Sale of the Offender's Goods and Chattles, returning the Overplus, after paying the Charges of ſuch Diſtreſs and Sale to the Offender demanding the ſame; and where no ſufficient Diſtreſs can be found, to commit the Offender to the Houſe of Correction within the ſaid Weſt-Riding, there to be kept to hard Labour for the Space of Six Months.

XIX. *Sect.* 19. Perſons aggrieved by any Warrant made by the Juſtice of Peace, may appeal to the next General Quarter-Seſſions for the ſaid Riding, giving Ten Days Notice of ſuch Appeal to the Diſcoverers of the Offence, on which the Conviction was made; and if the Juſtices at their Quarter-Seſſions ſhall think fit, either to confirm or diſannul the Orders or Proceedings of the ſaid Juſtice, they ſhall allow ſuch Coſts and Charges to the Party aggrieved thereby, as they ſhall think reaſonable, to be levied and paid in ſuch Mannnr as is uſual in Caſes of Appeals from any Order of the Juſtices of the Peace to the Seſſions, whoſe Order herein ſhall be final.

XX. *Sect.* 20. If any Action be commenced againſt any Perſon authorized to put this Act in Execution, it ſhall be laid in the County of *York*, and not elſewhere; and the Perſons ſued may plead the General Iſſue, *&c.* and recover treble Coſts; and this Act ſhall be taken as a publick Act, and all Judges and others are to take Notice thereof as ſuch, without Special Pleading; and this Act ſhall continue in Force for Seven Years, and from thence to the End of the then next Seſſion of Parliament, and no longer.

XXI. *Stat.* 12 *G.* 1. *c.* 34. The Preamble recites, That whereas great Numbers of Weavers, and others, concerned in the Woollen Manufactures, have formed themſelves into unlaw-

unlawful Clubs and Societies, and have preſumed, contrary to Law, to enter into Combinations, and to make By-Laws or Orders, by which they pretend to regulate the Trade, and the Prices of Goods, and to advance their Wages unreaſonably, &c. And whereas the ſaid Perſons have committed great Violences and Outrages on many of his Majeſty's good Subjects, and by Force protected themſelves and their wicked Accomplices againſt Law and Juſtice; and it being abſolutely neceſſary that more effectual Proviſion ſhould be made againſt ſuch unlawful Combinations, and for preventing ſuch Violences and Outrages for the future, and for bringing all Offenders in the Premiſſes to more ſpeedy and exemplary Juſtice; Therefore it is Enacted,

Sect. 1. That all Contracts, Covenants, or Agreements, and all By-Laws, Ordinances, Rules, or Orders in ſuch unlawful Clubs and Societies, heretofore made or entred into, or hereafter to be made, &c. by or between any Perſons brought up in or profeſſing or exerciſing the Art and Myſtery of a Wool-comber or Weaver, or Journeyman Wool-comber, or Journeyman Weaver, in any Pariſh or Place within this Kingdom, for regulating the ſaid Trade, or for ſettling the Prices of Goods, or for advancing their Wages, or for leſſening their uſual Hours of Work, ſhall, and are hereby declared to be illegal and void; and if any Wool-comber or Weaver, &c. or other Perſon concerned in any of the Woollen Manufactures of this Kingdom, ſhall, after the Twenty-fourth of *June*, 1726, keep up, continue, act in, make, enter into, ſign, ſeal, or be knowingly concerned in any Contract, Covenant or Agreement, By-Law, Ordinance, Rule or Order, of any Club, Society or Combination, by this Act declared to be illegal and void; or ſhall preſume or attempt to put any ſuch illegal Agreement, &c. in Execution, the Offender being thereof legally convicted, on the Oath of one or more Witneſſes, before two or more Juſtices of the Peace of the County, City, &c. where the Offence ſhall be committed, upon any Information exhibited, or Proſecution within three Calendar Months after the Offence, ſhall, by Order of ſuch Juſtices at their Diſcretion, be committed either to the Houſe of Correction, there to be kept to hard Labour not exceeding Three Months, or to the common Gaol of the County, &c. where ſuch Offence ſhall be committed, there to remain without Bail or Mainpriſe, not exceeding Three Months.

XXII. *Sect.* 2. If any Perſon retained as a Wool-comber or Weaver, or as a Servant in either of theſe Arts or Myſteries, ſhall, after the ſaid Twenty-fourth of *June*, 1726, depart from his Service before the End of the Term for which he ſhall be hired, or ſhall quit or return his Work before

before it is finiſhed according to Agreement, unleſs for ſome reaſonable Cauſe to be allowed by Two Juſtices, every Perſon ſo offending, being thereof lawfully convicted before Two Juſtices, as aforeſaid, ſhall be committed to the Houſe of Correction, to be kept to hard Labour, not exceeding Three Months: And if any Wool-comber, Weaver, Servant or Perſon hired or employed in the Art of a Woolcomber or Weaver, ſhall wilfully damnify or deſtroy (without the Conſent of the Owner) any Goods, Wares, or Work committed to his Care or Charge, he ſhall, being thereof lawfully convicted, as aforeſaid, forfeit to the Owner of ſuch Goods double the Value thereof, to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hands and Seals of Two Juſtices, who, for want of ſufficient Diſtreſs, ſhall commit him to the Houſe of Correction to be kept to hard Labour, not exceeding Three Months, or 'till Satisfaction be made to the Party aggrieved.

XXIII. *Sect.* 3. Every Clothier, Sergemaker, or Woollen or Worſted Stuff-maker, or Perſon employed in making any Woollen Cloths, Serges, or Stuffs, or any wiſe concerned in employing Wool-combers, Weavers, or other Labourers in the Woollen Manufactury, ſhall pay all Perſons by them employed, the full Wages, or other Price agreed on, in lawful Money of this Kingdom, and not in Goods, or by Way of Trade, or in any other Manner than in Money, or make any Deduction from ſuch Wages, on Account of any Goods ſold or delivered previous to ſuch Agreement, by any Perſon whatſoever; and it ſhall be lawful for any Two Juſtices of the Peace within their Juriſdictions, on Complaint made for that Purpoſe, to ſummon before them the Parties offending, and for Non-payment of the Wages in Money, or ſufficient Satisfaction given for the ſame, to the good liking of the Party aggrieved, to iſſue their Warrant for levying the Wages due by Diſtreſs and Sale of the Offenders Goods, rendring the Overplus; and for want of ſufficient Diſtreſs, to commit the Offender to the common Gaol of the County, City, *&c.* for Six Months, without Bail or Mainpriſe, or 'till he ſhall pay the Wages in Money, or give Satisfaction to the Party grieved.

XXIV. *Sect.* 4. If any Clothier, *&c.* as aforeſaid, ſhall pay any Perſon employed by him his Wages, or other Price agreed on, or any Part thereof, either in Goods or by Way of Truck, or in any other Manner than in Money, the Offender ſhall alſo forfeit 10 *l.* one Moiety to the Informer, the other to the Party agrieved, to be levied by Diſtreſs and Sale, *&c.*

XXV. *Sect.* 5. It ſhall be lawful for any Perſon agrieved by any Order of the Two Juſtices, as aforeſaid, to appeal to the next Quarter-Seſſions to be holden for the County,

ty, &c. giving reaſonable Notice of ſuch Appeal, the Reaſonableneſs thereof to be determined by the Juſtices at the Quarter-Seſſions to which the Appeal is made; and if it ſhall appear to them that reaſonable Time of Notice was not given, then they ſhall adjourn the Appeal to the next Quarter-Seſſions, and then and there finally hear and determine the ſame; and ſhall have Power to award reaſonable Coſts to either Party.

XXVI. *Sect.* 6. If any Perſon ſhall, after the Twenty-fourth of *June*, aſſault any Maſter Wool-comber, or Maſter Weaver, or other Perſon concerned in any of the Woollen Manufactures of this Kingdom, whereby ſuch Maſter or other Perſon ſhall receive any bodily Hurt for not complying with, or not ſubmitting to any ſuch illegal By-Laws, &c. or if any Perſon ſhall write or ſend any Letter, or other Writing or Meſſage, threatning Hurt or Harm to any ſuch Maſter, &c. or to burn, pull down, or deſtroy any of their Houſes or Out-houſes, or to cut down or deſtroy any of their Trees, or to maim or kill any of their Cattle for not complying with any Demands or Pretences of his Workmen, or others employ'd by them in the Woollen Manufacture, or for not conforming or not ſubmitting to any ſuch illegal By-Laws, &c. every Perſon knowingly and wilfully offending in any of the Premiſſes, being thereof lawfully convicted upon any Indictment, to be found within Twelve Calendar Months after ſuch Offence committed, ſhall be adjudged guilty of Felony, and ſhall be tranſported for Seven Years to ſome or one of his Majeſty's Plantations in *America*.

XXVII. *Sect.* 7. If any Perſon ſhall, by Night or by Day, break into, or enter by Force into any Houſe or Shop, with Intent to cut or deſtroy any Serge, or other Woollen Goods in the Loom, or any Tools employed in the Making thereof, or ſhall wilfully and maliciouſly cut or deſtroy any ſuch Serges, or Woollen Goods in the Loom, or on the Rack, or ſhall burn, cut, or deſtroy any Rack on which any Serges or Woollen Goods are hanged in Order to dry; or ſhall wilfully and maliciouſly break or deſtroy any Tools uſed in the making ſuch Serges, &c. not having the Conſent of the Owner ſo to do, every ſuch Offender, being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death without Benefit of Clergy.

XXVIII. *Sect.* 8. This Act, and all the Clauſes, Proviſoes, Pains, Penalties and Forfeitures therein contained, ſhall extend to Combers of Jerſey and Wool, to Frame-work-knitters and Weavers, or Makers of Stockings, and to all Perſons whatſoever, employed or concerned in any of the ſaid Manufactures, in as full and ample Manner as any other Part of the Woollen Manufactures is provided for by this

Act;

Act; and the Pains, Penalties, &c. which ſhall be incurred by Virtue hereof, ſhall be inflicted and levied in the ſame Manner as the Pains, &c. before-mentioned herein are directed to be.

XXIX. *Stat.* 13 G. 1. *c.* 23. Whereas divers Controverſies and Diſputes have ariſen between the Clothiers and Makers of Woollen Goods, and the Manufacturers employed by them, concerning the Length of the Warping Bars, and the Uncertainty of Weights, by which Wool, Yarn, and other Materials uſed in the manufacturing, or making up of Woollen Goods, have been delivered out to the ſeveral Workmen employ'd therein: Now for the better regulating of the ſaid Manufacture, and the quieting and more ſpeedy determining of all Diſputes which ſhall happen for the future, Be it Enacted,

Sect. 1. After the Firſt Day of *June*, 1727, it ſhall not be lawful for any Maker of mixed, medley, or white Cloth, to uſe any Warping Bars, but only ſuch as ſhall be of the Meaſure and Length following, *viz.* Every long Warping Bar ſhall be in Length Three Yards and Three Inches, and no more; and every round Warping Bar ſhall be Four Yards and Four Inches round, and no more; the Three Inches on the long Bar, and the Four Inches on the round Bar, being in lieu of the Over-meaſure uſually allowed in Cloths; and the Thrums at the End of the Warping Bars ſhall not exceed Eight Inches in Length; and if any Maker of ſuch Cloth ſhall, after the ſaid Firſt Day of *June*, uſe, or cauſe to be uſed, any Warping Bar of other Length or Meaſure than what is hereby appointed, or with Thrums exceeding Eight Inches in Length, he ſhall forfeit 10 *l.*

XXX. *Sect.* 2. Every Maker of ſuch Cloth or Goods mixed with Wool, ſhall give out all Wool, Yarn, and other Materials for ſuch Manufacture by Weight, after the Rate of Sixteen Ounces to the Pound, and ſhall receive back the ſame by the ſame Weight, without Fraud, upon Pain of forfeiting 5 *l.* for every Offence.

XXXI. *Sect.* 3. No Clothier or Maker of Woollen Cloth, Druggets, or other Woollen Goods, or Goods mixed with Wool, ſhall uſe any End of Yarn, Wefts, or other Refuſe of Cloths, &c. (Flocks and Pinions only excepted) by working the ſame up again into any Sort of Goods whatſoever, on the Penalty of 5 *l.* for each Offence.

XXXII. *Sect.* 4. All Proſecutions for Offences contrary to the Meaning of this Act, ſhall be heard by two or more Juſtices of the Peace for the County, Diviſion, or Place, where the Offence ſhall be committed, upon Information given on Oath within Three Calendar Months next after the Offence; and the Juſtices are hereby impowered to hear and deter-

determine the ſame, and on every Conviction to iſſue their Warrants to levy the Penalties by Diſtreſs and Sale of the Offenders Goods and Chattels; one Moiety to the Uſe of the Informer, and the other to the Poor of the Pariſh where the Offence ſhall be committed; and for want of ſufficient Diſtreſs to commit the Offender to the County Gaol, for any Time not exceeding Three Months, or 'till Satisfaction be made by him.

XXXIII. *Sect.* 5. All Diſputes and Demands relating to Work, Wages, or Damages between any Clothier and Weaver, or other Perſon employed in ſuch Manufacture, ſhall be heard and determined by Two or more Juſtices of the Peace for the County, *&c.* where ſuch Diſpute or Demand ſhall ariſe; who are hereby required, on Complaint made to them, to ſummon the Parties, and to hear and examine on Oath, and adjudge ſuch Satisfaction; and to give ſuch Coſts and Damages to the Party aggrieved, as in their Diſcretion ſhall ſeem reaſonable, and to iſſue their Warrants to levy ſuch Coſts and Damages by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſons, who ſhall refuſe, for the Space of Ten Days, to pay the Coſts and Damages by them adjudged; and for want of Diſtreſs to commit the Party to the County Gaol, or Houſe of Correction, not exceeding Three Months, or 'till Satisfaction be made by him.

XXXIV. *Sect.* 6. Perſons aggrieved by any Order of the Juſtices, may appeal to the next Quarter-Seſſions, for the County or Place where ſuch Order was made, giving Six Days Notice of ſuch Appeal; and the Juſtices in their Quarter-Seſſions are hereby required to hear and determine the Matter of ſuch Appeal, and make ſuch Order, and to award ſuch Coſts and Damages as to them ſhall ſeem reaſonable; and to levy, by their Order or Warrants, the Coſts and Damages ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of any Perſons who ſhall refuſe to obey the ſame; and for want of Diſtreſs, to commit the Party to the County Gaol or Houſe of Correction, for any Time not exceeding Three Calendar Months, or 'till Satisfaction be made by the Parties offending; and ſuch Award or Order of the Juſtices at the Quarter-Seſſions ſhall be final; nor ſhall the Proceedings of any Juſtices out of Seſſions, or in their Seſſions, in Purſuance of this Act, be liable to be removed by *Certiorari*, or other Proceſs of Law.

XXXV. *Sect.* 7. It ſhall be lawful for any one or more Juſtices of the Peace, upon Information to him given upon Oath, that any Perſons are (or are ſuſpected to be) guilty of any of the ill Practices aforeſaid, to iſſue his Warrant to any Conſtable, or other Peace-Officer, or to any Church-

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warden or Overſeer, directing him in the Day-Time to enter into any Houſe, Shop, Warehouſe, or other ſuſpected Place, to ſearch for and examine all ſuch Bars and Weights as ſhall be made uſe of for the Purpoſes before-mentioned, by any Clothier or Maker of Woollen Goods; and if ſuch Clothier, &c. ſhall interrupt any ſuch Officer in the Execution of his Office, he ſhall for every Offence forfeit 5 *l.*

XXXVI. *Sect.* 8. If any of the Perſons commonly called *End-gatherers*, ſhall, after the Firſt of *June*, 1727, be found collecting, buying, receiving, or any Ways carrying or conveying Ends of Yarn, Wefts, Thrums, ſhort Yarn, or other Refuſe of Cloth, Drugget, or other Woollen Goods, or Goods mixed with Wool, Flocks, and Pinions only excepted, in any Bag or other Conveyance, for carrying ſuch Ends of Yarn, &c. it ſhall be lawful for any Conſtable, or other Peace-Officer, by Warrant under the Hand and Seal of One or more Juſtices to ſearch and examine ſuch Perſon and his Bags, and if on ſuch Search the Conſtable, &c. ſhall find on any ſuch Perſon any ſuch Ends of Yarn, &c. then the Conſtable, &c. ſhall carry ſuch Perſon before any Juſtice of the Peace for the County, &c. where ſuch Perſon ſhall be found ſo offending; which Perſon, upon due Conviction of any of the ſaid Offences, on the Oath of one or more credible Witneſſes, or by Confeſſion of the Party, ſhall be deemed and taken to be a dangerous and incorrigible Rogue, or Vagrant, and ſhall be liable to be puniſhed, as by the Statute 12 *A. Seſſ.* 2. *c.* 23. is directed, (*which ſee in* Vol. IV. Tit. Vagrants.)

XXXVII. *Sect.* 9. After the Firſt of *June*, 1727, Every Maker of mixed, medley, or white Broad Cloth, ſhall pay the Weavers employed by him in weaving the ſame, according to the Number of Yards that the Chains are laid on the Warping Bars, and not otherwiſe, on Pain of forfeiting for every Offence contrary to the true Meaning hereof, the Sum of 5 *l.*

XXXVIII. *Sect.* 10. For preventing of the ill Practices that are uſed in the exceſſive ſtraining of mixed or medley Woollen Broad Cloth: Every Owner of Tenters or Racks for ſuch Cloth, within the Counties of *Glouceſter*, *Wilts*, and *Somerſet*, ſhall, after the Firſt Day of *Auguſt*, 1727, meaſure ſuch Tenters or Racks as ſhall be made uſe of for tentering or racking ſuch Cloth, and mark or number in Figures, fair and plain to be ſeen, the true Length of Yards of each Tenter or Rack, beginning at Numb. 1. and ſo continuing to the End thereof, upon the top Bar belonging to each Tenter or Rack; and on the Foreſide thereof, each Yard to contain 36 Inches, to which ſhall be added one Inch more, in Lieu of the Over-meaſure uſually allowed in Cloths,

ſo

ſo that the ſame Length ſhall contain 37 Inches, to prevent any Diſpute in meaſuring by the Yard; and if any ſuch Tenter or Rack ſhall, after the Firſt of *Auguſt*, 1727, be found not to be meaſured, or truly marked or numbered, the Owner of ſuch Tenter or Rack ſhall forfeit 5 *l.* for each Tenter, &c. that ſhall be found not ſo numbe'd, &c. And the Juſtices of the Peace for the ſaid Counties, in their reſpective Quarter-Seſſions next after *Midſummer* Day next, and afterwards at their Quarter-Seſſions next after *Eaſter* yearly, and every Year, ſhall appoint ſo many skilful Men of good Repute within the ſaid reſpective Counties, as they ſhall think reaſonable, to be Inſpectors for the Year enſuing, and may allow to each of them a Salary not exceeding 30 *l. per Annum*, to be paid out of ſuch Money as ſhall be received by the Treaſurers of the ſaid Counties, as is herein after directed; which Inſpectors ſhall have full Power at all ſeaſonable Times in the Daytime (*Sundays* excepted) to enter and inſpect all Mills, Shops, Out-houſes, and Tenter-Grounds of every Clothier, Millman, or other Perſon concerned in the making and milling of mixed or medley Woollen Broad Cloth; and they are to meaſure the Length of every Tenter or Rack, and the Length and Breadth of every Cloth he ſhall there find, before it ſhall be carried from thence, and ſhall ſtamp his Name on a Lead Seal, to be furniſhed by the Maker of ſuch Cloths, and affix the ſame at the Head End of every ſuch Cloth, and ſhall keep Books, in which ſhall be ſet down the Clothier's, Millman's, or other Perſon's Name; and the Number and exact Length and Breadth of every Cloth which ſhall be made within their reſpective Diviſions; and ſhall at every Quarter-Seſſions of the Peace to be holden for the County, City, or Town Corporate, wherein they ſhall be ſo appointed, give in a true Copy of ſuch Regiſter, with an Account of what Pains, Penalties, and Forfeitures have been levied, recovered, and received by Virtue of this Act, within their reſpective Diviſions; and no Inſpector ſhall enter upon the Execution of his Office before he hath taken the following Oath before a Juſtice of the Peace for the County, City, or Town where he ſhall be appointed Inſpector, *viz.*

I A. B. do ſwear that I will well and truly execute the Office of an Inſpector of mixed or medley Woollen Broad Cloth within this County, according to the Laws and Statutes of this Realm, and according to the beſt of my Skill and Knowledge.

So help me God.

XXXIX. *Sect.* 11. If any Clothier, Millman, or other Perſon within the ſaid Counties, ſhall refuſe the Inſpector Entrance, he ſhall forfeit 10 *l.*

XL.

XL. *Sect.* 12. If any ſuch Inſpector ſhall act againſt his Oath, and be convicted thereof, he ſhall forfeit 20*l.*

XLI. *Sect.* 13. Every Maker of mixed or medley Woollen Broad Cloth, ſhall pay to the Inſpectors 2*d.* *per* Cloth for every Cloth he ſhall make, before the Cloths be ſent away from the Mills; and the Inſpectors ſhall, every Three Months, or oftner, pay the Money by him ſo received into the Hands of the Treaſurer of the County where ſuch Inſpector ſhall live, or exerciſe his Office, to be applied by the Direction of the Juſtices at their Quarter-Seſſions, towards the Salaries of Inſpectors.

XLII. *Sect.* 14. If any Millman within the ſaid Counties, ſhall ſend home to any Clothier or Maker of Cloth, any Cloths before they are inſpected and meaſured, he ſhall, for every Piece of Cloth ſo ſent home, forfeit 40 *s.*

XLIII. *Sect.* 15. Nothing in this Act ſhall extend to repeal or make void any Power formerly given by Charter or Act of Parliament, to the Corporation of Clothiers in the City of *Worceſter*, for the better governing or regulating the Woollen Manufacture; but the ſame ſhall be uſed and exerciſed as if this Act had not been made.

XLIV. *Sect.* 16. Whereas by the Act 12 G. 1. *c.* 34. it is enacted, That if any Clothier, Serge-maker, Woollen or Worſted Stuff-maker, or other Perſon concerned in making Woollen Cloths, Serges, or Stuffs, or any Ways concerned in employing Workmen, Weavers, or other Labourers in the Woollen Manufactures, ſhall pay any Perſons ſo employed by them their Wages, or other Price agreed on, or any Part thereof, either in Goods or by way of Truck, or in any other Manner than in Money, every Perſon ſo offending, ſhall forfeit 10*l.* And whereas by the ſaid Act no Time is limited for proſecuting for ſuch Offence; therefore it is enacted, That every Proſecution for ſuch Offence, by Virtue of the recited Act, ſhall be commenced within the Space of Three Months after the Offence committed, and not otherwiſe.

XLV. *Sect.* 17. If any Perſon is ſued or moleſted for any Thing done in Purſuance of this Act, he may plead the General Iſſue, and give this Act and the Special Matter in Evidence; and if the Plaintiff be nonſuited, *&c.* or a Verdict be given for the Defendant, he ſhall recover treble Coſts.

XLVI. *Sect.* 18. This Act ſhall be allowed as a publick Act, of which all Courts and Juſtices are to take Notice, without ſpecially pleading the ſame.

Worceſter.

I. Stat. 3 G. 2. c. 23. *Sect.* 1. After the Firſt Day of *June*, 1730, the Act 2 & 3 *A.* c. 8. (*For the erecting a Workhouſe in the City of* Worceſter, *and for ſetting the Poor on Work there*,) and all the Clauſes, Powers, Matters and Things therein contained (except what is by this preſent Act altered, or otherwiſe enacted) ſhall be continued, and ſhall remain in full Force for ever; and the Workhouſe already erected, and the Buildings, Out-Buildings, Courts, Yards, and Appurtenances thereto belonging; and all the Goods, Chattels, Effects, Rights, Credits, Debts, Dues, Accounts, Books of Accounts, and other Books, Sums of Money, and all other Things belonging to the *Guardians of the Poor of the City of* Worceſter, appointed by the ſaid Act of 2 & 3 *A.* c. 8. And all the Rents, Iſſues, Profits, and Produce of the Workhouſe and the Buildings, &c. thereof, or which at any Time have been, or ſhall be made or raiſed out of the ſame, ſhall be, and after all juſt Allowances for Taxes, Repairs, and other neceſſary Expences in collecting the ſame, ſhall, after the ſaid Firſt of *June*, 1730, be actually veſted in, and ſettled upon the ſaid Guardians appointed by the former Act, and to be elected as herein after-mentioned, and their Succeſſors for ever; and they and their Succeſſors ſhall be really and actually ſeized and poſſeſſed thereof, to and for the Uſes and Purpoſes in the former, or this preſent Act declared.

II. *Sect.* 2. The firſt Election hereafter to be made of the two Aldermen, and the two other Perſons by the former Act appointed, out of the Capital Citizens of *Worceſter*, called by the Name of *The Four and Twenty*; and the firſt Election of the Six Perſons out of the Common Council of that City, commonly called, *The Eight and Forty*, to be Guardians on their Behalf of the Poor of the City, ſhall be made on the firſt *Thurſday* in *June*, 1730, according to the Direction of this Act; and all their future Elections ſhall be made on every firſt *Monday* after the Feaſt of St. *Bartholomew* for ever; and the firſt Election of the reſt of the Guardians ſhall be made by the Inhabitants of the City, on the next *Monday* after the firſt *Thurſday* in *June*, 1730, according to the Direction of this Act, and all future Elections ſhall be made in *Eaſter* Week yearly for ever; and the firſt Election of Governor, Deputy-Governor, Treaſurer, Receiver, and Nine Aſſiſtants mentioned in the former Act, ſhall be made on the Eleventh Day of *June*, 1730, according to the Direction of the former and this Act; and all

future Elections of the ſaid Governor, &c. ſhall be made on the *Monday* next after the Feaſt of St. *Michael* for ever: And all the ſaid Guardians, Governor, &c. ſhall continue in their reſpective Offices 'till others ſhall be elected in their Stead.

III. *Sect.* 3. Every Perſon who is aſſeſſed, and pays 3*d.* to the Poors Rates weekly, ſhall be capable of being elected a Guardian of the Poor, and to take upon him the Execution of ſuch Office; and every Perſon, who is aſſeſſed and pays to the Poors Rates, ſhall be capable to vote at the Election of Guardians of the Poor.

IV. *Sect.* 4. The weekly, monthly, or other Sums of Money which ſhall be rated for the Maintenance and Employment of the Poor of the Workhouſe, or other Poor under the Care of the Corporation, according to the Direction of the former Act, ſhall not exceed the Rates that have been paid in the City, and other Pariſhes and Places mentioned in the recited Act, towards the Maintenance of the Poor thereof, in any of the Three Years laſt paſt; to be computed to the 25th of *March*, 1730.

V. *Sect.* 5. No Perſons choſen Guardians of the Poor, Governor, &c. or other Officer, by Virtue of the former, or this Act, ſhall be obliged to qualify themſelves for the ſaid Offices, by taking the Oaths, or receiving the Sacrament, as in other Caſes they are by Law required.

VI. *Sect.* 6. If the Guardians, or the major Part of them, ſhall, at any Court to be holden hereafter, think it more advantageous for the Inhabitants of the ſeveral Pariſhes of the City to have Workhouſes in their ſeveral Pariſhes, for ſetting the Poor on Work, and maintaining them there; and if the Workhouſe already built, ſhall not at any Time hereafter anſwer the Deſign and Intention for which it was formerly built, and is now re-eſtabliſhed; in ſuch Caſes it ſhall be lawful for the Guardians to leaſe out the ſaid Workhouſe, and the Buildings, &c. thereto belonging, or any Part thereof, for any Term not exceeding Twenty-one Years, at the beſt improved Rent, without taking any Fine for the ſame; and to ſell and diſpoſe of the Goods, Chattels, and Effects belonging thereto, for the beſt Prices they can get for them; and the Money ariſing thereby, and by the Rents and Profits thereof, the Guardians ſhall divide among and pay to the reſpective Churchwardens or Overſeers of the Poor of the ſeveral Pariſhes of the City, and other Places in the former Act mentioned, towards providing for, and maintaining the Poor of their reſpective Pariſhes, in Proportion to the *Quota's* of the Poor's Rates by them ſeverally paid towards building the ſaid Workhouſe, and the Out-buildings thereto belonging, and ſetting the Poor at

Work, and maintaining them there till ſuch Time as the Guardians ſhall, at any of their Courts, think it more for the Advantage of the Inhabitants of the ſeveral Pariſhes of the City, again to re-eſtabliſh the Workhouſe, and to ſet at Work and maintain the Poor there; and ſo from Time to Time, as often as ſuch Caſes ſhall happen.

VII. *Sect.* 7. At ſuch Times as the Poor of the City ſhall not be provided for, and maintained in the large Workhouſe, they ſhall be provided for by the reſpective Pariſhes; and the Rates and Aſſeſſments for their Maintenance ſhall be made and levied in the ſame Manner as if the former, or this Act had never been made.

VIII. *Sect.* 8. Saving always to the Mayor, Aldermen, and Citizens of *Worceſter*, or the Mayor of that City for the Time being, all ſuch Right, Title, or Intereſt as they, or either of them had, or ought to have, of appointing a Hop-market within the City, or of removing the ſame, or to any Fees or Perquiſites that have ariſen, or may ariſe, for ſtanding, ſelling, or weighing of Hops, as if this Act had never been made.

IX. *Sect.* 9. Nothing herein ſhall extend to impeach, prejudice, alter, or make void any Leaſes, or other lawful Acts or Deeds heretofore made, executed, done or ſuffered by the Guardians hereby appointed and choſen in Purſuance of the former Act, or by any Perſons lawfully claiming under them; but all ſuch Leaſes, Acts and Deeds ſhall have their full Force; and all Perſons lawfully intereſted therein, the full Benefit thereof, as if this Act had never been made.

X. *Sect.* 10. The Charges of obtaining and paſſing this Act, ſhall be paid out of the Monies that ſhall ariſe by Virtue of the former, or this Act.

XI. *Sect.* 11. If any Action ſhall be brought againſt any Perſon for any Thing done in Purſuance of the former, or this Act, the Defendant may plead the General Iſſue, and give the former, or this Act, and the Special Matter in Evidence, &c. and on a Verdict, &c. he ſhall recover treble Coſts.

XII. *Sect.* 12. This Act ſhall be allowed in all Courts as a publick Act; and all Judges, Juſtices, &c. are to take Notice thereof as ſuch, without ſpecially pleading: And all Mayors, Juſtices, Sheriffs, Bailiffs, Conſtables, and all other Officers and Miniſters of Juſtice, are required to be aiding and aſſiſting to the Corporation by the former Act conſtituted, and hereby re-eſtabliſhed, and to all ſuch Officers as ſhall be employed by them in the due Execution of the former, or this preſent Act, or any of the Powers thereby, or hereby given.

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